

Gore Proposed District Plan

Hearing Stream 9

Natural Features & Landscapes Chapter

Section 42A of the Resource Management Act 1991

Section 42A Report – Natural Features and Landscapes

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Interpretation

Abbreviations

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

Submitters and Further Submitters Names Abbreviations

Contact Energy Limited	Contact Energy
Department of Conservation	DOC
Environment Southland	ES
Heritage New Zealand Pouhere Taonga	Heritage NZ
Hokonui Rūnanga Incorporated	Hokonui Rūnanga
Mercury New Zealand Limited	Mercury
New Zealand Transport Agency Waka Kotahi	NZTA
Royal Forest and Bird Protection Society of New Zealand inc	Forest & Bird
Southland District Council	SDC
Southland Federated Farmers of New Zealand	Federated Farmers
Stoney Creek Station Limited	Stoney Creek
Transpower New Zealand Limited	Transpower

List of Submitters and Further Submitters

Submitter Number	Submitter Name
S3	Stoney Creek Station Limited
S18	Reaby Downs Farm Ltd
S19	Karen Temple
S20	Sarah and Peter Barclay
S24	Helen McIntosh
S53	Katherine Welsh
S60	Ronald Crispin
S68	John Baynes
S69	Ian Davidson-Watts
S74	Hamish Weir
S79	Andrew Welsh
S85	Environment Southland
S101	Transpower New Zealand Limited
S104	McLeod-Wantwood Trust/Wantwood Station
S105	Farm Manager - Wantwood Station
S109	Department of Conservation
S110	Royal Forest and Bird Society of NZ Inc
S112	Waka Kotahi NZ Transport Agency
S113	Trudy Bokser
S115	Kevin Robertson
S116	Nathan Bokser
S117	Greg Bokser
S118	AW+ JA Johnston Family Trust
S121	Alliance Group Limited
S126	Southland Federated Farmers of New Zealand
S127	Peters Farm LtdKaren Peters
S130	Mercury NZ Limited
S136	Jenny Campbell
S139	Hokonui Rūnanga Inc
S140	Robina Johnston
S143	Rural Ratepayers Group
S146	Southland District Council
S148	Alistair & Bernadette Hunt
S152	Nigel Cowburn
FS5	Hamish Weir
FS11	Heritage New Zealand Pouhere Taonga
FS17	Southland Federated Farmers of New Zealand
FS20	Hokonui Rūnanga Inc
FS21	Yrless Limited
FS22	Clark Fortune McDonald & Associates
FS24	Contact Energy Limited

FS25	Stoney Creek Station Limited
FS27	Alliance Group Limited
FS30	Transpower New Zealand Limited
FS31	Department of Conservation

1. Executive Summary

1. The Proposed District Plan (“PDP”) for Gore District was publicly notified on 31 August 2023. The PDP includes the Natural Features and Landscapes Chapter.
2. The Natural Features and Landscapes Chapter contains provisions in response to section 6(b) of the RMA, which requires that outstanding natural features and landscapes be protected from inappropriate subdivision, use and development. Two prominent natural landscapes / features are characterised in the Gore District that are managed by the provisions in this chapter. These are the Hokonui Hills and the Te Au Nui Pihapiha Kanakana Mataura Falls.
3. There were 424 original submissions, and 110 further submissions received for the Natural Features and Landscapes Chapter.
4. Key issues identified through submissions on the Natural Features and Landscapes Chapter include:
 - Amendments to Appendix 5 for accurate identification of ONLs, ONFs, inclusion of Mataura HNCF and accurate land use representation.
 - Objective to protect ONFL areas from external adverse effects and to manage cross boundary issues.
 - Hokonui Hills special precinct with site-specific provisions.
 - Withdrawal and rewrite of the Natural Features and Landscapes Chapter.
 - Objective and policy for mana whenua to identify cultural significance areas.
 - Policy to prevent exotic plants from impacting ONF/L.
 - Amendment of Hokonui Hills ONL boundaries and review of Mataura Rover/ Falls mapping.
 - Removal of fencing reference within NFL-R3.
 - Earthworks exemptions as a permitted activity rule in NFL/L.
 - New rule for farm tracks and quarries complying with GRUZ-R3.
 - Amendments for clarity on infrastructure rules, and suggestion these be moved to the INFR chapter.
 - Inclusion of Southland Syncline parallel ridges as an outstanding natural feature.
 - Reference to effects management hierarchy considering indigenous biodiversity.
 - Amendments to restrictions on buildings/structures and earthworks in ONF/L areas.

- Amendments to NFL-R2 to permit tree planting for various purposes.
 - Allowance for pest species control in ONF/L areas.
5. The report has been prepared in accordance with Section 42A of the RMA and outlines recommendations in response to the issues that have been identified through submissions. The report is intended to assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP, and to provide submitters with an opportunity to understand how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.
 6. As a result of submissions, a range of recommended changes have been made which are broadly summarised as follows:
 - More permissive provisions for farming to recognise the existing use and pastoral care of the Hokonui Hills farming environment.
 - A landscape management categorisation approach has been implemented with landscape input, with two additional sublayers within the Hokonui Hills ONL, specifically a Lower Sensitivity Areas and mapped ridgelines, this has enabled a more bespoke tailoring of provisions.
 - A Natural Character Chapter has been developed to provide for more directive management of the districts streams and rivers.

2. Introduction

2.1 Author and qualifications

7. My name is Mishka Banhidi, I am the author of this report. I am employed by The Property Group Limited as a Senior Planner.
8. I hold a Bachelor of Applied Science in Environmental Management from the University of Otago. I have over 7 years' experience in planning and resource management, including policy development and associated report and evidence preparation.
9. I have been engaged as a contractor by Gore District Council to assist in the District Plan review and prepare the draft and proposed District Plans.

2.2 Code of Conduct

10. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel. The opinions expressed in this evidence are based on my qualifications and experience and are within my area of expertise. If I rely on the evidence or opinions of another my evidence will acknowledge that position.

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

3. Scope of report and topic overview

12. This report considers the submissions and further submissions that were received by the Council in relation to Natural Features and Landscapes chapter of the PDP. In addition, the provisions in the following chapters relating to the management of ONFL values and Natural Character Values, the mapping of the ONFL and rivers and streams is also addressed
- Part 1: Interpretation – Definitions
 - Natural Features and Landscapes Chapter
 - Natural Character Chapter
 - Planning maps
 - Appendices
13. The assessment of submissions will generally follow this format:
- Submission information
 - Analysis of submissions
 - Recommendation and any amendments
 - Where an amendment is recommended a section 32AA assessment is provided.
14. Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions are shown by way of ~~strikeout~~ and underlining. Appendix A of this report contains a copy of the Natural Features and Landscapes chapter with all recommended amendments are shown by way of ~~strikeout~~ and underlining.
15. Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors.
16. Clause 10(2)b of the RMA allows decisions on the PDP to include matters relating to consequential alterations to the PDP which are necessary, relevant or arising from submissions. The following are recommended consequential amendments to the PDP based on previous Section 42A report recommendations.

4. Statutory considerations and planning framework

4.1 Resource Management Act 1991

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

4.2 National Planning Instruments and other Relevant Plans and Policies

National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB)

20. The NPS-IB applies to indigenous biodiversity in the terrestrial environment throughout Aotearoa New Zealand and provides direction to achieve no overall loss of indigenous biodiversity after it's commencement date.
21. Objective 1 of the NPS-IB seeks to maintain indigenous biodiversity across New Zealand and is largely given effect to through the Ecosystems and Indigenous Biodiversity chapter. It is noted that indigenous biodiversity is a recognized value of the GDC ONFL's and as such the management of indigenous biodiversity as directed by the NPS- IB is relevant to this chapter, albeit the directive management from a biodiversity perspective is managed through the ECO Chapter.

National Policy Statement for Freshwater Management 2014 (NPS-FM)

22. The NPS-FM ensures the health and wellbeing of waterbodies and freshwater ecosystems to provide for the health and needs of people and communities
23. 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 the Maitai Falls have been identified as outstanding, Policy 8 of the NPS-FM applies.

The Resource Management (Freshwater and Other Matters) Amendment Bill (legal effect from 25 October 2024)

24. The Resource Management (Freshwater and Other Matters) Amendment Bill was introduced in May 2024 and among other things seeks to:

- Exclude the hierarchy of obligations in the National Policy Statement for Freshwater Management (NPS-FM) from resource consenting;
- Repeal the stock exclusion regulations in relation to sloped land;
- Repeal National Environmental Standard for Freshwater (NES-F) restrictions around winter grazing;
- Align the provisions for coal mining with other mineral extraction activities across the NPS-IB, NPS-FM and NES-F;
- Suspend and extend timeframes under the NPS-IB, in particular for the identification of Significant Natural Areas (SNAs) and include them in district plans; and
- Amend the process for preparing and amending national direction documents.

4.3 Section 32AA evaluation

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

32AA Requirements for undertaking and publishing further evaluations

(1) further evaluation required under this Act-

- (a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
- (b) must be undertaken in accordance with section 32(1) to (4); and*
- (c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*
- (d) must—*
 - (i) published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*
 - (ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

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

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

26. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to the topics of this report is contained within the assessment of the relief sought in submissions in section 3, as required by s32AA(1)(d)(ii).
27. The Section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.

5. Background

28. The Section 42A Report: Introduction, General Provisions and Strategic Direction prepared for Hearing Stream 1, includes details of the PDP notification, submission statistics and a general overview of the background to the PDP. In addition, the report provides an overview of National Planning Instruments and other Policies and Plans relevant to the PDP as a whole.
29. There is the Section 32 Evaluation report ¹ relating to Natural Features and Landscapes Chapter, and the Section 32AA Report ² relating to the Natural Character Chapter.
30. The Section 32 Evaluation Report assesses and considers the relevant higher order planning documents and any strategic plans which provide direction and guidance for the preparation and content of these chapters. Where relevant these documents are considered in more detail in the assessment of submission points.

5.1 Technical Reports

31. A landscape assessment has been provided from Mr Mike Moore and appended as Appendix C to this report. I have relied on this assessment to inform my position throughout this assessment.

¹ Gore District Council Section 32 Report – Natural Features and Landscapes [Section 32 Reports | Let's Talk Gore District \(goredc.govt.nz\)](#)

² Hearing Panel Minute 18 – Section 32AA Report of Mishka Banhidi on behalf of Gore District Council [Hearing Stream 9 - Natural Features and Landscapes, Sites and Areas of Significance to Māori \(continued\) | Let's Talk Gore District](#)

6. Consideration of submissions

6.1 Structure of the report

32. Submissions on Natural Features and Landscapes have raised a number of issues which have been grouped as follows:
- General Submissions
 - Mapping submissions
 - Additional provisions sought
 - Changes sought by submitter (Department of Conservation)
 - Amendments sought to other chapters
 - Changes sought by provision
33. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission-by-submission approach. I have organised the evaluation in accordance with the layout of chapters of the PDP as notified.
34. Due to the number of submission points, this evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA. Specific recommendations on each submission / further submission point are contained in **Appendix B**.
35. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in **Appendix B**. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the Chapter with recommended amendments in response to submissions as **Appendix A**.
36. This report only addresses definitions and submissions on mapping specifically relevant to this topic. Definitions that relate to more than one topic and general mapping submissions have been addressed in the Section 42A Report: Introduction, General Provisions and Strategic Direction.

6.2 Overview of submissions

37. The submission period ran from 31 August to 26 October and then was extended to 27 November by Council resolution. Council received 130 submissions containing 5542 submission points.

38. Some submissions were received after the 27 November 5:00pm deadline, however these submissions were accepted and are not considered late as they were received up until midnight 27 November 2023.
39. A total of 424 submissions and 110 further submission were received for the Natural Features and Landscapes Chapter and are discussed in this report.
40. General submissions are discussed at Section 6.5, Mapping submission are at Section 6.6., any additional provisions sought are at Section 6.7, and changes requested to specific provisions are discussed within sections 6.8-6.10.

6.3 Format for consideration of submissions

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

6.4 Hokonui Hills Bespoke Provisions

6.4.1 Matters raised by submitters – Hokonui Hills Bespoke Provisions

Submissions for a Hokonui Hills Special Precinct

43. Stoney Creek (S3.016), Helen McIntosh (S24.018), Sarah and Peter Barclay (S20.018), Karen Temple (S19.018), Reaby Downs Farm Ltd (S18.018), Peters Farm Ltd Karen Peters (S127.052), AW+ JA Johnston Family Trust (S118.016), Nathan Bokser (S116.016), Trudy Bokser (S113.016), John Baynes (S68.020), and Greg Bokser (S105.001) seek the chapter is withdrawn in its entirety and redrafted in consultation with key stakeholders, including Stoney Creek, and consider appropriate relief would be to create a Hokonui Hills Special Precinct, within which rural activities associated with pastoral farming are permitted with appropriate and practical limits set. The provisions of other chapters of the PDP would not apply to farming activities within the Hokonui Hills Special Precinct.

Heritage NZ (FS11.001) request Stoney Creek's submission is disallowed in part as there are a significant amount of archaeological sites across the Hokonui Hills, therefore, in order to give effects to section 6(f) of the RMA, provisions of the precinct should provide for acknowledgment of the cultural landscape and the conservation of historic heritage, including archaeology and sites of significance to Māori.

Federated Farmers (FS17.046) support Stoney Creek's submission.

44. Trudy Bokser (S113.046), Nathan Bokser (S116.046), Peters Farm Ltd Karen Peters (S127.082), Reaby Downs Farm Ltd (S18.048), Karen Temple (S19.048), Sarah and Peter Barclay (S20.048), Helen McIntosh (S24.048), John Baynes (S68.050), Greg Bokser (S117.046), AW+ JA Johnston Family Trust (S118.046), and Stoney Creek (S3.046) request the insertion of the Hokonui Hills Special Precinct with appropriate provisions for said precinct in consultation with key stakeholders which reflect the site-specific conditions and challenges of this area.

DOC (FS31.020) oppose Stoney Creek's submission as they consider they would need to review the precinct area and provisions in the Hokonui Hills to determine whether they are consistent with higher order documents in relation to biodiversity values, significant natural landscapes and features, and significant natural areas. Heritage NZ (FS11.039) request that Stoney Creek's submission is disallowed in part as there are a significant amount of recorded archaeological sites across the Hokonui Hills, therefore, provisions relating to the Precinct should provide for acknowledgement of the cultural landscape and the conservation of historic heritage, including archaeology and sites of significance to Māori.

Federated Farmers (FS17.088) support AW+ JA Johnston Family Trust's submission as they consider a new Hokonui Hills map layer would allow activities to be determined in relation to the unique environment of the Hokonui Hills.

45. Trudy Bokser (S113.047), Nathan Bokser (S116.047), AW+ JA Johnston Family Trust (S118.047), Peters Farm Ltd Karen Peters (S127.083), Reaby Downs Farm Ltd (S18.049), Karen Temple (S19.049), Sarah and Peter Barclay (S20.049), Helen McIntosh (S24.049), John Baynes (S68.051), Greg Bokser (S117.047), Stoney Creek (S3.047) seek the insertion of an exemption in the preamble of the GRUZ chapter for any activities within the Hokonui Hill Special Precinct.

Federated Farmers (FS17.071) support Stoney Creek's submission.

46. Reaby Downs Farm Ltd (S18.001), Helen McIntosh (S24.001), Karen Temple (S19.001) and Sarah and Peter Barclay (S20.001) seek the relief sought in the entirety of the Stoney Creek submission and are concerned that limits on development potential are not proportionate to the potential environmental effects. The provisions do not recognise the benefits of farming activities which have low environmental effects.

ONF/L Mapping submissions

47. Greg Bokser (S117.115), John Baynes (S68.119), Helen McIntosh (S24.117), Sarah and Peter Barclay (S20.117), Karen Temple (S19.117), Reaby Downs Farm Ltd (S18.117), Peters Farm Ltd Karen Peters (S127.151), AW+ JA Johnston Family Trust (S118.115), Nathan Bokser (S116.11), Trudy Bokser (S113.115), Stoney Creek (S3.115) request that modified pastoral landscape should not be mapped as ONL and restrictions relating to the Hokonui Hills ONL overlay should be reduced. They consider that there was no evidence provided to suggest that the level of protection provided by the Operative Gore District Plan was insufficient.
48. McLeod-Wantwood Trust/Wantwood Station (S104.010), Farm Manager - Wantwood Station (S105.010), and Peters Farm Ltd Karen Peters (S127.010) requests the NFL-MAP-

Hokonui Hills is amended to reflect the area of outstanding natural values. The ONL covers 60% of the submitters farm, which is 30% of the ONL overlay and SNA map. Overall, the ONL overlay area covers a large area of pastoral farmland and the submitter is unsure if this has been considered.

49. Trudy Bokser (S113.110), Nathan Bokser (S116.110), AW+ JA Johnston Family Trust (S118.110), Peters Farm Ltd Karen Peters (S127.146), Reaby Downs Farm Ltd (S18.112), Karen Temple (S19.112), Sarah and Peter Barclay (S20.112), Helen McIntosh (S24.112), John Baynes (S68.114), Greg Bokser (S117.110), and Stoney Creek (S3.110) request an amendment to the Hokonui Hills ONL boundaries to accurately reflect the area of Outstanding Natural Landscape values. The submitters have provided a suggestion of the extent of the ONL area within Stoney Creek station and request further discussions with Council, including evidence provided by a landscape expert at hearing stage.

Federated Farmers (FS17.093) request that Stoney Creek's submission is allowed as they also do not consider the current spatial extent of the ONL accurate.

50. Trudy Bokser (S113.111), Nathan Bokser (S116.111), AW+ JA Johnston Family Trust (S118.111), Peters Farm Ltd Karen Peters (S127.147), Reaby Downs Farm Ltd (S18.113), Karen Temple (S19.113), Sarah and Peter Barclay (S20.113), Helen McIntosh (S24.113), John Baynes (S68.115), Greg Bokser (S117.111), and Stoney Creek (S3.111) seek the inclusion of a new map layer to be called the Hokonui Hills Special Precinct which is to replace the underlying zoning of this area (General Rural) and where rural activities associated with pastoral farming are permitted.

DOC (FS31.022) oppose Stoney Creek's submission as they consider they would need to review the proposed area and provisions for any new precinct in the Hokonui Hills to determine whether it is consistent with higher order documents in relation to indigenous biodiversity values, significant natural landscapes and features, and significant natural areas.

Assessment

51. A number of submissions have requested a Hokonui Hills Special Precinct with bespoke provisions in order to be able to provide for farming activities whilst protecting landscape values. It is agreed that a more nuanced approach is likely appropriate to reflect the unique nature of the Hokonui Hills ONL with both landscape and biodiversity values, particularly when considering the scale of the farming operation.
52. As a result of these submissions a working group was formed with Stoney Creek (SCSL), McLeod- Wantwood Trust (MWT) and Gore District Council. Consequently, a record of consensus was reached on bespoke landscape (NFL Chapter) and Biodiversity (ECO Chapter) provisions as agreed between the parties. These provisions were informed by experts, specifically Mike Moore (Landscape Architect representing GDC), Ben Espie (Landscape Architect representing SCSL), Andrew Wells (Ecologist representing GDC), Glenn Davis (representing SCSL), Mishka Banhidi and Matt Heale (Planners representing GDC) and Claire Perkins (Planner representing SLSC).

53. For the purpose of this report the ECO chapter has not been included, as this will be addressed through Hearing Stream 10 (ECO chapter), however the record of consensus and agreed provisions of the NFL Chapter have been included as Appendix D to this report.
54. While not included within the signed consensus bundle, it is my understanding that the recommended changes to Appendix 5 (addressed later within this report) have also been undertaken with consultation with Mike Moore and Ben Espie, however SCSL and MWT (along with all other submitters) may wish to provide further comment through the hearings evidence if this does not accurately reflect their understanding, or if they seek further alignment with their original submissions.
55. Workshop changes to the NFL Chapter focussed primarily on the rules and standards, rather than the objective and policies, in large part due to the desire for day-to-day farming activities to be provided for as permitted activities and therefore, further scrutiny of objectives and policies through a consenting process were not considered a priority. Due to this, some policy changes are anticipated to better reflect the revised provisions relevant to the Hokonui Hills, as a result of the working group and in response to submissions on the chapter from other parties. These subsequent changes are not intended to deviate from the consensus reached through the working group, rather to provide for appropriate policy support where consents are needed. SCSL and MWT (along with all other submitters) are invited to provide further comment through the hearings evidence process if any of these changes are considered to be a misrepresentation of the working group consensus, or, as always, if recommended changes do not align with the requested relief through submissions.
56. Proposed changes as a result of this working group, have resulted in differing landscape management areas as opposed to a “precinct”. This approach was considered more appropriate than a precinct given the National Planning Standard direction as an overlay³ already existed on the properties and changes could be easily incorporated within the existing overlay provisions. The general boundaries of the ONL were confirmed as appropriate (with the exception of a small area along the western extent), however it was considered that within the boundaries of the ONL bespoke provisions could be provided for based on special areas with differing landscape sensitivities. As a result, a “Lower Sensitivity Area” was defined spatially, as seen within Appendix D as a spatial overlay in yellow. This area is considered to meet the criteria of the wider ONL, albeit with less landscape sensitivity than other areas. Full details of this can be found within Mr Moore’s Landscape evidence
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³ NPS section 12 – District Plan Spatial Layers Standard - An overlay spatially identifies distinctive values, risks or other factors which require management in a different manner from underlying zone provisions.

(Appendix C). This area was considered more capable of absorbing change than the wider ONL and as a result more permissive provisions could be considered.

57. The remaining portions of the ONL are considered to be less capable of absorbing change, which is reflected in the more restrictive provisions proposed, and reflects the more sensitive nature of this landscape.
58. The most sensitive spatial area are the ridgelines which have been mapped as seen within Appendix D as a spatial overlay in red lines. These are considered the most sensitive from a landscape perspective and as a result bespoke provisions have been recommended to protect these ridgelines.
59. Individual provisions within the plan are assessed against the relevant provision within this report, including specific recommendations and s32AA assessments where relevant.
60. DOC and Heritage NZs further submissions are noted, these submitters are invited to provide feedback through the hearings process. However, in terms of potential undiscovered archaeological sites, I note that the Hokonui Hills is included in the information only Archaeological Alert Layer and recommendations include alignment with EW-S7 which provides for the accidental discover protocol.
61. The submissions specifically requesting an exception within the GRUZ for any activities within the Hokonui Hills Special Precinct are rejected. The GRUZ rules will apply as well as the NFL chapter. As outlined above a “precinct” approach has not been promoted in favour of the management of the ONL sitting within the NFL chapter, which aligns with the National Planning Standards.
62. The submissions in support of the entirety of the Stoney Creek submission are acknowledged and concerns with limits of development potential not being proportional to environmental effects are agreed with in principle. It is anticipated that a tiered landscape management approach to provide for farming practices whilst protecting landscape values as discussed above will satisfy the submitters concerns.
63. As a consequence of the proposed landscape management areas, a new policy is required to ensure vertical integration within the plan. It is recommended that this reflects the new spatial management approach.
64. A number of submitters have requested that the mapped extent of the Hokonui Hills ONL is reduced and that modified pastoral landscape should not be included within the mapped ONL. As outlined within Mr Moore’s landscape evidence (Appendix C) the proposed boundaries of the ONL are considered suitable, with the exception of a small area along the western extent which is proposed to be reduced slightly to exclude lower lying areas. Based on the expert advice, as detailed in Appendix C, I consider that the proposed extent of the Hokonui Hills ONL is appropriate, subject to the small change outlined and actioned within proposed maps within Appendix E.
65. The recommended new spatial layers all form part of the wider ONL, with Lower Sensitivity Area (LSA) and the mapped ridgelines providing for farming activities whilst protecting the

landscape values of the Hokonui Hills. These spatial layers are discussed further within Mr Moore's landscape evidence (Appendix C)

Recommendation

66. I recommend, for the reasons given above, the approach of landscape spatial management be implemented, with bespoke provisions relating to each area. Specifically:

- Lower Sensitivity Area (LSA): areas within the ONL that have lower sensitivity to change due to lower visibility from public places and relatively more modified character.
- Mapped Ridgelines: ridgelines have particularly high sensitivity to change, as major strike ridge geomorphological features and mainly have relatively high visibility from public places and areas surrounding the ONL
- All other Areas: This refers to the ONL generally, unless the LSA provisions apply take precedent.

As outlined above a new policy is recommended as a consequential change of the amended management of the Hokonui Hills ONL, specifically :

NFL-P5 Enable existing land use patterns within the Hokonui Hills, whilst protecting the landscape values and reflecting the landscape characteristics described within Appendix 5, through location specific management of the nature and scale of works, land use and development.

67. Recommended changes to individual provisions are addressed under each section of the plan throughout this assessment.

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

Section 32AA Evaluation

69. The following evaluates the recommendation to amend the mapping of the Hokonui Hills to reflect the amended provisions and to incorporate a new policy (NFL-P5) under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The updated approach provides for the effective management of the landscape values of the Hokonui Hills ONL, whilst providing for everyday farming activities within suitable areas. The updated approach incorporates a location specific management approach that more effectively provides for farming practices within areas more capable of

absorbing change. This effectively aligns with the Part 2 Section 6 (b) of the RMA⁴, where the Hokonui Hills ONL are protected from inappropriate subdivision, use and development, namely these activities are provided for in a spatially tiered approach to ensure that the values of the ONL are protected, whilst enabling people and communities to provide for their social, economic and cultural well-being and for their health and safety, pursuant to Part 2 Section 5 (2) of the RMA⁵.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal, as the updated provisions will reduce the consenting burden for plan users.

Risk of acting or not acting

There is the potential for unnecessary consenting burden or monitoring and enforcement issues if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objective NFL-O1 than the notified version of the PDP.

6.5 General and overview submissions

6.5.1 Matters raised by submitters - General

70. NZTA (S112.070) request the text of the NFL chapter, Appendix 5, and the Planning Map Index, are amended to use consistent terminology and abbreviations to identify outstanding natural features and outstanding natural landscapes.
71. Rural Ratepayers Group (S143.003) request an amendment in areas of significant natural tussock, such as high country, to discourage heavy stocking rates as these degrade the resource.
72. Ian Davidson-Watts (S69.007) supports the proposed objectives and rules.

⁴ Resource Management Act 1991, Part 2 Section 6 (b)

⁵ Resource Management Act 1991, Part 2 Section 5(2)

73. Trudy Bokser (S113.019), Nathan Bokser (S116.019), AW+ JA Johnston Family Trust (S118.019), Peters Farm Ltd Karen Peters (Peters Farm Ltd Karen Peters), Reaby Downs Farm Ltd (S18.021), Karen Temple (S19.021), Sarah and Peter Barclay (S20.021), Helen McIntosh (S24.021), John Baynes (S68.023), Greg Bokser (S117.019), and Stoney Creek (S3.019) request to avoid confusion that “All zones” under rules NFL-R1 to NFL-R8 to read “All areas identified as ONL/ONF in the Planning Maps”. Federated Farmers (FS17.050) support Stoney Creek’s submission as the request provides greater clarity for plan users.

74. Transpower (S101.061) request Note 1 is amended as follows below to provide clarity in terms of the rules which apply to critical infrastructure generally, and the National Grid specifically. The NFL Chapter includes a rule in relation to the maintenance of critical infrastructure but does not address upgraded or new infrastructure. This would result in Rule LLRZ-R12 applying and all infrastructure activities being non-complying activities.

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

75. Hamish Weir (S74.009) is concerned that if resource consent processes are required to farm the hills around these areas then there will be no economic incentive to manage the pest species present. Regulations will only result in the property being abandoned with the cost ultimately falling to the rate payer. The majority of work done to construct mountain bike and walking trails in the Hokonuis has been voluntary. Given there is limited funding for this work it would be counterproductive to trigger resource consent requirements that would likely soak up all the funds available. Mr Weir suspects that resource consents will be a significant barrier to any further trail development and requests the inclusion of permitted rules for the following to ensure protection be afforded to distinctive areas such as the Hokonui Hills.

- fencing capable of preventing movement of all stock and feral animals
- inclusion of permitted rules for establishment of additional recreational assets
- protections against establishment of any form of forestry on the Hills.

Clark Fortune McDonald & Associates (FS22.071) supports Hamish Weir’s submission.

Heritage NZ (FS11.045) oppose Hamish Weir’s submission as they consider activities, including fencing, require a significant amount of earthworks and have the potential to uncover archaeology.

76. Robina Johnston (S140.002) seeks protection of the slopes on the eastern side of the Maitua River and the ranges around the Marauwai basin as the slopes are equally dominant and have incredible character, cultural value, and are highly visible and should be equally classed. Robina Johnston (S140.005) also seeks policy consideration of visual effects on landscape values from infrastructure and commercial developments. Robina considers that Commercial developments need a higher degree of mitigation than domestic with vegetation in the landscape. Consideration is needed for colour and effect of lights on the landscape.

Assessment

77. NZTAs submission is acknowledged and addressed within section 6.10 in relation to Appendix 5 and the Natural Character Chapter.
78. The Rural Ratepayers group submission is acknowledged, however it is considered that this is best addressed NFL-R6 and through the ECO chapter. I do not believe it is the role of a district plan to dictate appropriate stocking rates, however if indigenous vegetation clearance occurs through stock clearance within an ONFL, NFL-R6 would apply.
79. Support for the chapter as a whole by Ian Davidson Watts is acknowledged, it is noted that a number of changes are proposed as a result of other submissions which the submitter may wish to take note of.
80. The submissions requesting that the rule table within the NFL chapter be amended from “all zones” to “all areas identified as ONL/ONF in the planning maps” has been identified as potentially misleading. It is noted that if an area is not identified as being within an ONFL then this chapter does not apply, however through the working group process it was recommended that all zones be referred to “all other areas”. The panel may be of a mind to consider that this could further be amended to “all other areas within an ONFL” as this may provide further clarity.
81. Transpower’s submission that Note 1 be amended to advise that the rules in this chapter do not apply is rejected. As outlined within the Infrastructure and Energy s42a and hearing, it is intended that the NFL chapter applies to the management of Infrastructure, along with the INFR Chapter, however individual zone rules do not apply.
82. Mr Weir’s submission (with support from Clark fortune) is acknowledged. Significant changes have been made to the NFL chapter through the working group process. These changes have been addressed at a high level within section 6.4 of this report, with more detail provided with the assessment for each provision (section 6.10). These amendments provide for more permissive rules for farming practices and have been tailored to the areas considered more capable of absorbing change from a landscape perspective. It is hoped that these amendments provide alternative relief to this submission.
83. Heritage NZ have provided a further submission in opposition to Mr. Weir’s submission, due to the addition of EW-S7 within NFL-R3 it is assumed these concerns are resolved.
84. Robina Johnstons submission is acknowledged. It is assumed the area referred to within the submission are the Catlin Strike Ridges. This submission is addressed in Mr Moore’s landscape evidence (Appendix C). In summary this area was not considered to meet the threshold as outstanding, however there was the possibility to provide further protection as a visual amenity landscape (VAL). This possibility was discussed at length prior to the notification of the PDP with the ongoing workshops with elected members. At the time it was considered that as Gore had not historically included VALs within the plan, it was inappropriate to include them now, in particular when considering that the direction of the RMA reform (at the time) was to reduce the emphasis on amenity. It is acknowledged the RMA reform programme has since been revoked and it is not known if future reform will take

the same direction. However, for VALs to be included within the PDP, further assessment and consultation would need to be undertaken to determine the suitability of this (and any other possible VALs) for inclusion, and to ascertain appropriate management criteria within the plan. In lieu of this further work it is not recommended to define the Catlin Strike Ridges as a VAL.

85. Ms Johnston has also requested for additional policy direction to consider visual and landscape values from infrastructure and commercial developments. It is a little unclear from this submission whether this is not already provided for within the PDP. It is noted that new infrastructure within an ONFL requires resource consent as a Discretionary Activity as per INFR-R9. Commercial activities are not specifically managed within an ONFL as it is considered the structures and buildings to result in potential adverse effects which are managed through NFL- R1. These provisions are supported through the objective and policy framework which requires consideration of adverse effects on the ONFLs.

Recommendation

86. I recommend, for the reasons given above, that the rule table within the NFL chapter be amended from “all zones” to “all other areas” as shown within Appendix A.
87. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

88. The following evaluates the recommendation to amend under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The proposed amendments will improve clarity from plan users.

Costs and benefits

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

Risk of acting or not acting

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

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objective NFL-O1 than the notified version of the PDP.

6.5.2 Matters raised by submitters - Consultation

89. Jenny Campbell (S136.016) (S136.018) seeks to ensure significant landscapes are retained in consultation with the local community and wider population, especially tangata whenua, before making decisions.
90. Alistair & Bernadette Hunt (S148.005) (S148.010) oppose the provisions of these chapters and request broader consultation with the landowners affected with pastoral and arable farming to be permitted without restrictions. Landowners need the ability to adapt their operation to meet changing climate, market, economic considerations and a range of other factors without being heavily constrained by the need for resource consents at every turn.
91. Federated Farmers (S126.178), John Baynes (S68.299), Ronald Crispin (S60.181), Alistair & Bernadette Hunt (S148.191), Rural Ratepayers Group (S143.190), and Kevin Robertson (S115.179) note that the Council did not include these chapters in the early consultation on the exposure draft and request these chapters are removed and rewritten with a more practical and enabling approach.

Hamish Weir (FS5.48) and Stoney Creek (FS25.076) support Federated Farmer's submission and request it is allowed.

Assessment

92. Jenny Campbells submission is acknowledged, and it is agreed that landscapes considered to be significant are retained, it is assumed this is in reference to outstanding natural landscapes. It is a little unclear what specific relief the submitter is seeking in terms of consultation, and whether this refers to consultation surrounding the district plan review or if these decisions relate to resource consent activities within ONLs. The submitter is invited to provide further information to clarify their requested relief. In lieu of this the submission is acknowledged; however no changes are recommended based on this submission.
93. Alistair and Bernadette Hunts submission is acknowledged and as outlined within section 6.4 of this report a working group with key stakeholders has been developed to provide for a revised chapter which aims to give relief to this submission.
94. A number of submissions from individuals and the farming/ rural community above, seek that due to the NFL chapter not being included within the exposure draft of the plan that the chapter should be withdrawn. This matter was addressed in Hearing Stream 1⁶ which noted

⁶ Page 34 to 35 and 40 to 41

that the Council considered this matter at its meeting on 21 November 2023. The Council decision was to withdraw part of ECO-R1 given that the ECO chapter had immediate legal effect whereas the NFL chapter did not, and the Operative District Plan already has an Outstanding Landscape Overlay. It is also noted that significant engagement has been undertaken with the large landowners located within the Hokonui Hills area affected by the ONL since notification of the PDP as discussed within section 6.4 of this report.

Recommendation

95. I recommend, for the reasons given above, that the Hokonui Hills ONL be amended to reflect these management areas, specifically the spatial layers identified within Appendix E. This is addressed in more detail within section 6.4 of this report.
96. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.5.3 Matters raised by submitters – Overview

97. Forest & Bird (S110.035) request the overview is amended to include the pockets of highly valuable indigenous biodiversity which used to occupy the whole district and could naturally extend its range if given the opportunity. The Southland Syncline parallel ridges are also a special feature of the district which have been omitted from the overview. Forest & Bird seek recognition of the pockets of indigenous biodiversity, as well as farmland in Gore's landscape, as follows:

The Landscape of the Gore District can largely be characterised as pastoral and arable farmland along with pockets of tussock grasslands, native forest, shrubland, scrubland, grassland and wetlands. There are ~~two~~ three prominent natural landscapes / features: the Hokonui Hills, ~~and~~ the Te Au Nui Pihapiha Kanakana Mataura Falls and the Southland Syncline parallel ridges.

Hokonui Rūnanga (FS20.020) support in part Forest & Bird's submission and consider the plan must achieve the purpose of the RMA and give effect to relevant higher-order documents.

98. ES (S85.036) seek an inclusion in the overview of anticipated impacts on these features e.g. indigenous biodiversity loss and afforestation as it sets the stage for why the aspects need to be managed. It should also acknowledge Apiti Hono Tatai Hono framework for managing cultural landscapes.

Assessment

99. Forest & Bird's submission is acknowledged and addressed in more detail within Mr Moore's evidence within Appendix C, whose evidence is accepted for the purpose of this recommendation. The requested amendment better reflect the pockets of indigenous vegetation and the Southland Syncline Stroke Ridges, identifying these as important landscapes within the district more generally, and further recognises the contribution of existing indigenous vegetation and the geology that contribute to the identified ONFLs more specifically. The mention of the broader landscape features of the Southern Syncline parallel

ridges and the Mataura River provides broader context, while noting more specific landscapes/ features have been identified as outstanding, within these landscape features.

100. I consider that the submitters points are fair and recommend that the general overview description is amended to reflect the presence of pockets of significant indigenous biodiversity and the Southland Syncline strike ridges. I would recommend too, that the rewording of the general description also references the Mataura River as a major feature. Appendix A (attached) is my suggested rewording of the chapter overview.
101. ES submission regarding the overview is acknowledged, however it is a little unclear what specific changes are sought. The ECO Chapter manages biodiversity and the SASM chapter manages sites of cultural significance. ES are invited to provide further information clarifying the changes sought in the submission.

Recommendation

102. I recommend, for the reasons given above, that the overview be amended as follows:

The Natural Features and Landscapes chapter contains provisions in response to section 6(b) of the RMA, which requires that Outstanding Natural Features and Landscapes be protected from inappropriate *subdivision*, use and development. In relation to Natural Character, section 6a of the RMA, this is addressed within the provisions relating to stream *setbacks* included within the zones. Part of the protection of these areas requires the identification and management of these areas as a matter of national importance.

The Landscape of the Gore District can largely be characterised as pastoral and arable farmland including pockets of valuable indigenous biodiversity. ~~with two prominent natural landscapes / features – the Hokonui Hills and the Te Au Nui Pihapiha Kanakana Mataura Falls. There are two Natural Features of particular note – the Southland Syncline parallel ridges (most notably expressed in the Hokonui Hills), and the Mataura River.~~

Two areas have been ~~These areas have been assessed and~~ identified in accordance with the Southland Regional Policy Statement 2017 criteria as having high levels of biophysical, sensory or associative landscape values, which makes them either Outstanding Natural Landscapes (ONL) or Outstanding Natural Features (ONF). ~~These are the Hokonui Hills ONL and the Te Au Nui Pihapiha Kanakana Mataura Falls ONF.~~

The District's Outstanding Natural Features and Landscapes are identified on the District Plan Maps and described in Appendix 5. Note there are other provisions relevant to Outstanding Natural Features and Landscapes within the Infrastructure and Subdivision Chapters.

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

Section 32AA Evaluation

104. The following evaluates the recommendation to amend the overview of the NFL chapter under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. Effectively describing the landscapes of the district.

Costs and benefits

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

Risk of acting or not acting

There is the potential for the description of the landscapes of the district to be misrepresented if the proposed amendment is not made.

Conclusion as to the most appropriate option

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

6.5.4 Matters raised by submitters – Chapter interpretation

105. Farm Manager - Wantwood Station (S105.001), Peters Farm Ltd Karen Peters (S127.001) and McLeod-Wantwood Trust/Wantwood Station (S104.001) seek to amend the provisions to acknowledge the existing use rights of working farms present in the area. There is also concern that the chapter is interpreted differently by various people. Stoney Creek (FS25.074) (FS25.077) support McLeod-Wantwood Trust/Wantwood Station's submission and Peters Farm Ltd Karen Peters' submission.

Assessment

106. The submission above seeking more permissive regulations for farming practices and suggest that the proposed rules as notified are not proportional to the potential environmental effects are acknowledged and agreed with in principle. As outlined within section 6.4 of this report the work done through the working group process has identified a tiered landscape management approach to provide for farming practices whilst protecting landscape values. Individual recommendations and associated s32AA are addressed within each relevant section of the plan.

Recommendation

107. I recommend, for the reasons given above, that a tiered landscape management approach be adopted to provide for farming practises whilst still protecting landscape values. This is addressed further within Section 6.4 of this report
108. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.6 Mapping Submissions

6.6.1 Matters raised by submitters - MAP

109. SDC (S146.105) (S146.110) (S146.103) request to review the course of the esplanade strip along the Maitara River as the esplanade strip no longer follows the current course of the river.
110. SDC (S146.102) request the review of cross-boundary issues with SDC as Hokonui Hills borders Southland District.
111. NZTA (S112.185) request the accuracy of the location of the "Maitara ONF" as shown on the map is checked, in particular where it is shown to transect State Highway 93 and correct any inaccuracies in the notified map as necessary. The 'Natural Features and Landscapes' map shows the "Maitara Falls ONF" crossing State highway 93 (SH93) at a location approximately 270 metres southwest of the intersection of Eden Street and SH93. It is unclear from viewing street view imagery where the Maitara ONF is physically located at the point that it crosses SH93, as the land surface in this location appears highly modified, comprising buildings and hardstanding areas along both sides of the SH93 carriageway.

Assessment

112. SDC (S146.105) (S146.110) (S146.103) submission is acknowledged. Further discussions have been undertaken with SDC who have advised that this matter is no longer of concern to them. Nevertheless, in this instance revising the mapping to align with the current course of the Maitara River is not recommended for the following reasons:
 - Rivers move, so any work undertaken would likely be out of date by the time the next review or aerial image is flown due to seasonal changes in river courses.
 - The river order layer is for information only and was derived from a (2010) national dataset that represents the river courses as they were at that time.
 - The accuracy of the river order layer and the hydro-parcels excluded from the zone layers has no impact on plan implementation, the rules related to river protection and public access use proximity to the riverbanks as rule triggers, not mapped overlays (because rivers move).
 - Matching the river course as shown on aerials to the information only river order layer would be prohibitively time consuming and expensive, given the complexities of the work and the number of streams and rivers in the district.
113. NZTA (S112.185) submission is acknowledged, however the dissection over State Highway 93 was done intentionally to reflect the cultural importance of the Waikana stream, as outlined

within the s32 Assessment⁷. Waikana stream was included on the maps to reflect its contribution to the Mataura River as part of the Mataura River ONF, and it is not recommended that this mapping be amended.

Recommendation

114. I recommend, for the reasons given above, that the Hokonui Hills ONL be amended to reflect Appendix E. This is addressed further within section 6.4 of this report.
115. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.7 Additional Provisions Sought

6.7.1 Matters raised by submitters – Additional Provisions Sought

Requested objectives and policies

116. Federated Farmers (S126.102), Kevin Robertson (S115.103), Rural Ratepayers Group (S143.114), Ronald Crispin (S60.105), John Baynes (S68.223), and Alistair & Bernadette Hunt (S148.115) request if their amendments in their original submission to NFL-R2, seeking greater flexibility for tree planting, are accepted, the inclusion of the following policy to ensure that exotic plants do not adversely affect the ONF/L:

Avoid planting exotic tree species that would affect indigenous biodiversity values and/or are prone to wilding spread in hill and high country area.

117. ES (S85.040) seek the inclusion of an objective and policy about the process for mana whenua to identify areas of cultural significance through narrative methodologies (such as, but not limited to, Apiti Hono Tatai Hono).

Hamish Weir (FS5.67) oppose ES's submission and seek it is disallowed. Stoney Creek (FS25.112) oppose ES's submission and seek it is disallowed as the identification of cultural significance is best placed within the Mana Whenua chapters.

Hokonui Rūnanga (FS20.008) support in part ES's submission as they agree the GDC should include a more explicit land classification approach whereby mana whenua identify the values associated with each part of the takiwā and have more tailored policies and targeted

⁷ Proposed Gore District Plan Section 32 Report Natural Features and Landscapes

rules, however, state that Apiti Hono Tati Hono is not using narrative to identify culturally significant sites.

Requested Permitted Activity Rules

118. McLeod-Wantwood Trust/Wantwood Station (S104.036), Farm Manager - Wantwood Station (S105.036), and Peters Farm LtdKaren Peters (S127.036) seek the inclusion of the earthworks exemption as a permitted activity rule in the Natural Features and Landscapes (ONL), along with farm fencing.
119. Trudy Bokser (S113.026), Nathan Bokser (S116.026), AW+ JA Johnston Family Trust (S118.026), Peters Farm LtdKaren Peters (S127.062), Reaby Downs Farm Ltd (S18.028), Karen Temple (S19.028), Sarah and Peter Barclay (S20.028), Helen McIntosh (S24.028), John Baynes (S68.030), Greg Bokser (S117.026), and Stoney Creek (S3.026) seek the inclusion of the following new rule as farm tracks are essential to pastoral farming and new tracks are sometimes required to avoid sensitive environments:

NFL-R6A: New farm tracks within an identified ONF/L.

Activity status: Permitted.

Where:

1. Any new farm track is no greater than 7 metres in width.
2. Unretained cut and fill batters shall not:
 - (a) be steeper than 2 horizontal to 1 vertical;
 - (b) be constructed using moisture content susceptible soils;
 - (c) have a bench with a width of more than 1.8m.
3. Excess material from the construction of the farm track is reinstated to match the natural contour of the surrounding land.

Activity status where compliance is not achieved: Restricted Discretionary

Matters of discretion:

1. Effects on the values as listed within NFL-APP Appendix 5.
2. The necessity of what is proposed and any alternatives.
3. Mitigation measures proposed.
4. The operational or functional need for the activity to be undertaken within an Outstanding Natural Feature or Landscape
5. The benefits of the proposed activity.

Hamish Weir (FS5.68) support Stoney Creek's submission. Hokonui Rūnanga (FS20.035) oppose in part Stoney Creek's submission as they consider the plan needs to address matters in s6 of the RMA and give effect to the RPS but agree that the approach in the PDP needs refinement to ensure it is comprehensive and workable.

120. Trudy Bokser (S113.029), Nathan Bokser (S116.029), AW+ JA Johnston Family Trust (S118.029), Peters Farm LtdKaren Peters (S127.065), Reaby Downs Farm Ltd (S18.031), Karen

Temple (S19.031), Sarah and Peter Barclay (S20.031), Helen McIntosh (S24.031), John Baynes (S68.033), Greg Bokser (S117.029), and Stoney Creek (S3.029) seek the inclusion of the following new rule as NFL-R7 does not distinguish between extraction of material for use outside of the property from where it was taken and farm quarries:

NFL-R7A: NFL-R7A Farm quarries that comply with GRUZ-R3. Activity status: Permitted

Heritage NZ (FS11.042) oppose Stoney Creek's submission as earthworks and land disturbance have the potential to uncover archaeology and for activities involving significant volumes of earthworks such as quarries, or areas that have been largely undisturbed, such as significant natural landscapes or features, the effects on archaeology require assessment and a permitted activity status is not appropriate.

Assessment

Requested objectives and policies

121. ES have requested an objective and policy regarding the process for mana whenua to identify areas of cultural significance through narrative methodologies such as the Apiti Hono Tatai Hono. However, mana whenua (by way of FS20.08, lodged by Hokonui Rūnanga Inc) consider this requested relief to be, in part, reflective of a misunderstanding of Ngāi Tahu cultural concepts. Therefore, I consider it appropriate to align with mana whenua on this matter and reject ES submission. It is my understanding that this submission is a common thread throughout the district plan review process and has been addressed in more depth through the Sites and Areas of Significance to Māori 42A assessment.⁸ It is possible that through that process there may be consequential changes to the NFL chapter.
122. A number of submissions seek an additional policy to avoid planting of exotic tree species. This is supported in its intent, and it is acknowledged that there are landscape effects that result from the spreading of exotic tree species above and beyond biodiversity values, justifying some management within the NFL chapter rather than relying on the ECO chapter. However, it is considered the intent of this submission is provided for through NFL-P1. Specifically, the reference to Appendix 5 which with subsequent amendments now directly refers to "pest plant and animal infestation" under "potential threats to landscape values". As I consider the matter to already be addressed, an additional policy is not recommended.

⁸ Gore Proposed District Plan Hearing Stream 8 - Sites and Areas of Significance to Māori Section 42A of the Resource Management Act

Requested Permitted Activity Rules

123. A number of submissions seek a new rule to provide for earthworks for farm fencing as a permitted activity. While I do not consider that adverse effects from earthworks become non-existent as soon as a fence is involved, I do however agree that greater permissibility can be provided for to enable earthworks for farming activities, acknowledging the role farming has on the legibility of the Hokonui Hills. A new rule is not recommended, however the recommended amendments to the NFL-R3, which provide for location based flexibility for earthworks generally and fencing more specifically, hopefully provide for the intent of the relief sought. This is addressed within section 6.10 of this report
124. A number of submitters request a new rule for farm tracks within an identified ONF/L. While I do not disagree with the submitters that greater permissibility for new tracks is appropriate, due to further assessment of the chapter it is no longer recommended to have a rule for tracks, farm or otherwise and instead focus on the earthworks required for these tracks, as provided for under NFL-R3. Based on this, a new rule is not recommended. However, the recommended amendments to NFL-R3 hopefully provide for the intent of the relief sought. The Hokonui Rūnanga further submission is acknowledged, with the proposed earthworks rule aiming to manage effects rather than the activity itself and continuing to refer to the protection of values (Appendix 5), it is hoped that the recommended NFL-R3 provides for the intent behind this submission.
125. A number of submitters have also requested a new rule for farm quarries that comply with GRUZ-R3. A new rule to provide for this is not recommended as NFL-R7 can be amended to provide for this relief (in part). Where effects can be suitably mitigated greater permissibility for farm quarries within the ONL boundaries can be considered. This is assessed further in relation to submission on NFL-R7 within section 6.10 of this report.

Recommendation

126. I recommend, for the reasons given above, that no additional provisions are provided for based on the above submissions, however a number of amendments to existing chapters are recommended to be changed. These are discussed in more detail for each relevant provision throughout this report.
127. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.7.2 Matters raised by submitters – Natural Character Chapter

128. SDC (S146.052) (S146.057) request provisions related to the Mataura River area within the Gore District to be addressed in a Natural Character section.
129. DOC (FS31.019) support the proposal to include provisions recognising the High Natural Character of the Mataura River. It is noted that within this further submission, DOC have tagged this to a separate submission by Stoney Creek Limited unrelated to the Natural Character chapter, it has been assumed this is the submission they were seeking to further submit in support of.

Assessment

130. Based on this submission and Minute 18 from the hearings panel, a Natural Character (NC) Chapter 9 has been developed alongside an Appendix 10, outlining the Natural Character values of Rivers and Streams, informed by expert evidence¹¹ provided from Mr Mike Moore. A s32AA¹² assessment has been provided within the response to this minute. These assessments are not repeated here, rather adopted for the purpose of this report.
131. As a result of this recommendation, two consequential amendments are recommended as follows:
- Remove reference to the High Natural Character Feature (HNCF) throughout the plan, and
-

⁹ Natural Character NATC [Hearing Stream 9 - Natural Features and Landscapes, Sites and Areas of Significance to Māori \(continued\) | Let's Talk Gore District](#)

¹⁰ Appendix 6 – Natural Character Values of Rivers and Streams - NATC-APP [Hearing Stream 9 - Natural Features and Landscapes, Sites and Areas of Significance to Māori \(continued\) | Let's Talk Gore District](#)

¹¹ SUPPLEMENTARY EVIDENCE OF MIKE MOORE IN RESPONSE TO MINUTE 18 – NATURAL CHARACTER [Hearing Stream 9 - Natural Features and Landscapes, Sites and Areas of Significance to Māori \(continued\) | Let's Talk Gore District](#)

¹² Hearing Panel Minute 18 – Section 32AA Report of Mishka Banhidi on behalf of Gore District Council [Hearing Stream 9 - Natural Features and Landscapes, Sites and Areas of Significance to Māori \(continued\) | Let's Talk Gore District](#)

- Change the matters of discretion reference to natural character in the zone chapter, stream setback standards (for example LLRZ-S7) from Appendix 5 to Appendix 6 across the PDP as necessary, including all rules identified in table 1 natural character chapter S32AA report.

Through Mr Moore's input into the Natural Character Chapter, his recommendations also discuss rules related to quarrying, mining and woodlots near waterbodies, as they relate to Natural Character Values. These activities are only permitted in the General Rural Zone (GRUZ) and any rules controlling these activities will be best placed within that zone chapter. From a review of the GRUZ Chapter GRUZ-R7 provides for stream and river setback for buildings and structures, however, does not provide for specific management of manage quarries and mines in relation to these setbacks. A consequential amendment to ensure these setbacks also apply to mining and quarrying would be preferably, however from a review of submission I do not believe there is scope for this change to be made to the GRUZ chapter . As such no consequential changes are recommended.

Recommendation

132. I recommend, for the reasons given above, that a Natural Character Chapter and associated Appendix 6 be considered for inclusion within the district plan, and that consequential changes are made to reflect this new chapter, specifically:

- Change matters of discretion in each of the zone chapters from Appendix 5 to Appendix 6, reflecting Table 1 of the Natural Character 32AA report.
- References to Natural Character be removed from the NFL chapter and Appendix 5.

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

Section 32AA Evaluation

134. A section 32AA assessment has been provided outside of this report, in response to Minute 18 ¹³and will not be repeated here.

¹³ Hearing Panel Minute 18 - Section 32AA Report of Mishka Banhidi on behalf of Gore District Council.

6.8 Amendments sought by Submitter

6.8.1 Matters raised by submitters – DOC

135. DOC seeks the amendment of all matters of discretion within all rules as shown in Table 1 below to the following, or words to similar effect, as they consider it necessary to consider indigenous biodiversity values as part of the matters of discretion:

Matters of discretion: 1. Effects on the values including indigenous biodiversity values as listed in NFL-APP Appendix 5.

Hamish Weir (FS5), Alliance Group Limited (FS27), Contact Energy (FS24), and Stoney Creek (FS25) oppose DOC's submissions as shown below in Table 1. All further submitters consider that indigenous biodiversity is already addressed in the ECO chapter and is outside the scope of the NFL chapter.

Table 1 – DOC Submissions on Matters of Discretion			
NFL Rules DOC submitted against	DOC Submission number	Submission numbers opposing DOC submission on NFL	Reasons for opposition to DOC submission
NFL-R1	S109.076	<u>Hamish Weir (FS5)</u>	Indigenous biodiversity is already addressed in the ECO Chapter.
NFL-R2	S109.077	FS5.54, FS5.57, FS5.58,	
NFL-R3	S109.078	FS5.61, FS5.62	
NFL-R4	S109.079	<u>Alliance Group Limited (FS27)</u>	
NFL-R5	S109.080	FS27.018	
NFL-R6	S109.081	<u>Contact Energy (FS24)</u>	
		FS24.043, FS24.044, FS24.045, FS24.046, FS24.047, FS24.048	
		<u>Stoney Creek (FS25)</u>	
		FS25.087, FS25.088, FS25.089, FS25.090, FS25.091, FS25.092	

Assessment

136. The submission from DOC is rejected on the basis that the ECO chapter and the cross referenced ECO rules within Nfl-R6 will apply and duplicating with a matter of discretion for indigenous biodiversity values is not necessary. While it is acknowledged that indigenous biodiversity does have an impact on landscape values, these are sufficiently addressed within

Appendix 5 and the associated matters of discretion. Further inclusion in matters of discretion is not recommended.

Recommendation

137. I recommend, for the reasons given above, that these matters of discretion are not added to the NFL rules and as such no amendments are recommended.
138. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.9 Amendments sought to other chapters

6.9.1 Amendments sought to Earthworks (EW) Chapter

139. Stoney Creek (S3.034), Trudy Bokser (S113.034), Nathan Bokser (S116.034), AW+ JA Johnston Family Trust (S118.034), Peters Farm Ltd Karen Peters (S127.1070), Reaby Downs Farm Ltd (S18.036), Karen Temple (S19.036), Sarah and Peter Barclay (S20.036), John Baynes (S68.038), Greg Bokser (S117.034) and Helen McIntosh (S24.036) request that there is an exemption in the preamble of the EW chapter for any earthworks and land disturbance activities within the Hokonui Hills Special Precinct. They request that appropriate EW provisions for the requested Hokonui Hills Special Precinct to reflect the site-specific conditions and challenges of the area.

Federated Farmers (FS17.060) support this submission. Heritage NZ (FS11.038) advise that There are a significant amount of recorded archaeological sites across the Hokonui Hills with the majority of the sites being Māori associated sites. The recommended new Hokonui Hills Special Precinct area focuses' primarily on enabling the existing agricultural land use. In order to give effect to section 6(f) of the Resource Management Act 1991 (RMA), the provisions relating to the Precinct should provide for acknowledgment of the cultural landscape and the conservation of historic heritage, including archaeology and sites of significance to Māori, as a priority.

Assessment

140. A number of submissions are seeking recognition for the need for earthwork to enable day-to-day farming activities within the Hokonui Hills ONL. These submissions are acknowledged, and it is agreed that the notified version of the NFL Chapter would benefit from further scrutiny to ensure that productive rural use of this land is able to continue without an unnecessary consenting burden. The ODP did provide for the management of earthworks within the "Hokonui Hills Significant Landscape", albeit with exceptions around fencing related disturbance, which provided for more permissive provisions for farming related earthworks when compared with the notified version of the PDP. While it is not recommended that fencing should be excepted, as provided for within the ODP, I agree amendments should be made to provide for more permissive earthworks within areas capable of absorbing change.

141. Through the working group process updated earthworks provisions have been developed and these are recommended to be carried over to NFL-R3. Further assessment regarding this is addressed within the NFL-R3 section of this report.
142. Heritage NZ's submission is acknowledged, and it is recommended EW-S7 is carried over to require suitable accidental discover protocol.

Recommendation

143. I recommend, for the reasons given above, further consideration be given to NFL-R3 - this is addressed in detail within the specific provision section of this report.
144. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

145. A 32aa evaluation is provided within section 6.10 of this report.

6.10 Amendments sought by Provision

6.10.1 Matters raised by submitters – Appendix 5

146. DOC (S109.084) support this Appendix and request it is retained as notified.
147. Farm Manager - Wantwood Station (S105.033), Peters Farm Ltd Karen Peters (S127.033), and McLeod-Wantwood Trust/Wantwood Station (S104.033) seek Appendix 5 is amended to correct the description of the ONL as the Otamita Stream does not originate in the Waterfall range. Creeks come from this into the Otamita but its origin is further up in the Otamita Gorge/Valley, part of the Southland District. The ONL covers a large area of actual pastoral farmland and there is concern this hasn't been considered when deciding what area should fall under the ONL. Stoney Creek (FS25.136) support McLeod-Wantwood Trust/Wantwood Station's submission.
148. NZTA (S112.184) requests the appendix is amended to accurately identify and name the specific outstanding natural features and landscapes, with any consequential changes made to the maps and provisions of the NFL chapter. The title/heading of Appendix 5 refers to only ONL-APP yet Appendix 5 identifies, in addition to the Hokonui/Waterfall Range ONL, the Mata-Ura / Mataura River High Natural Character Feature (HNCF) as well as the Te Au Nui Pihapiha Kanakana / Mataura Falls ONF.
149. Alliance Group Limited (S121.107) seek clarification about the purpose of the Mata-Ura/Mataura River High Natural Character Feature (HNCF) as HNCF doesn't appear to be operationalised within the Proposed Plan.
150. Nigel Cowburn (S152.016) seeks clarification on what organisation Birdlife International is.
151. Trudy Bokser (S113.109), Nathan Bokser (S116.109), AW+ JA Johnston Family Trust (S118.109), Peters Farm Ltd Karen Peters (S127.145), Reaby Downs Farm Ltd (S18.111), Karen

Temple (S19.111), Sarah and Peter Barclay (S20.111), John Baynes (S68.113), Stoney Creek (S3.109), Greg Bokser (S117.109), Helen McIntosh (S24.111) request that all documents referred within Appendix 5, the s32 Report, and the Southland Murihiku Regional Landscape Study are made publicly available on the GDC website and Appendix 5 is amended in a way that:

- Reflects the significant presence of pastoral farming within the ONL;
- Recognises the benefits of pastoral farming in terms of maintaining a sense of openness, landscape legibility, and pest control within the ONL;
- Recognises that the patterns and values of indigenous biodiversity vary significantly across the extent of the ONL;
- Corrects the statement that the ONL is free of structures; and
- Recognises the historical and cultural significance of the area to the rural community.

Federated Farmers (FS17.092) support Stoney Creek's submission.

152. SDC (S146.096) seek the incorporation of an objective which would protect ONFL areas from adverse effects outside of direct use. This could result in activities within Appendix 5, the Mataura River is identified as a High Natural Character Feature, including its river margins and an active flood plain. Stoney Creek (FS25.136) oppose in part SDC's submission as they consider it unclear how effects on ONLs outside of direct use would be controlled through Appendix 5.

Assessment

153. Support for Appendix 5 from DOC is acknowledged and accepted in part. Noting some amendments to Appendix 5 are recommended as a result of other submissions.
154. NZTAs submission is acknowledged and accepted. It is recommended to amend the title of Appendix 5 to refer to the NFL chapter, consistent with the naming of other appendices across the PDP. It is noted that as a consequence of the addition of a specific Natural Character Chapter¹⁴ and associated s32AA¹⁵, reference to the Mataura River as a High Natural Character Feature has been removed from Appendix 5 with a consequential new Appendix 6¹⁶.

¹⁴ Natural Character - NATC

¹⁵ Hearing Panel Minute 18 – Section 32AA Report of Mishka Banhidi on behalf of Gore District Council

¹⁶ Appendix 6 – Natural Character Values of Rivers and Streams - NATC-APP

155. Alliances submission is acknowledged and accepted. A separate Natural Character Chapter has been developed and as a consequence natural character values have been moved from Appendix 5 into a new Appendix 6.
156. Nigel Cowburn's submission seeking clarification of what organisation Birdlife International is referred to through the Landscape assessment provided by Mr Moore. However, it is noted that as a consequential change of the Natural Character Chapter this reference is no longer relevant to Appendix 5.
157. Submissions (S105.033, S127.033, S104.03, FS25.136) concerning the description of the ONL are acknowledged and as outlined within the landscape assessment a clarification edit is recommended to refer to tributaries of the Ōtamatea (Otamita Stream). In addition, concerns are raised through these submissions that the pastoral nature of the ONL have not been fully considered when determining the extent of the overlay. As outlined within the landscape assessment a number of factors have contributed to the identification of the boundaries of the ONL.
158. Specifically, the mapping of the Outstanding Natural Landscape (ONL) is primarily based on an assessment of landscape character and values, with topography and geoheritage values, being a significant factor, with the strike ridges and trellised drainage patterns. The mapped ONL through the notified version of the PDP aligns with the ODP, the geo-preservation site from the NA Geopreservation Inventory and the ONL as identified within the Southland/ Murihiku Regional Landscape Study.
159. However, as discussed within section 6.4 of this report, through the working group with both Stoney Creek Station and Wantwood Station, Mr Moore was able to conduct a detailed site visit of Wantwood Station and as a result has been able to identify some areas of the notified ONL that he considers do not meet the requirements of an ONL and as a result it is recommended that the boundaries of the ONL be amended accordingly. This is addressed through Mr Moore's evidence - Appendix C.
160. A number of submissions (S113.109, S116.109, S118.109, S127.145, S18.111, S19.111, S20.111, S68.113, S3.109, S117.109, S24.111, FS17.092) request that the Murihiku Regional Landscape Study (Boffa Miskell, 2019) be made publicly available. This document had previously not been made available due to the request of other Councils referenced, however

the document has since been made publicly available and can now be found on the GDC website¹⁷.

161. These submitters also requested that Appendix 5 be amended to:

- Reflect the significant presence of pastoral farming within the ONL;
- Recognise the benefits of pastoral farming in terms of maintaining a sense of openness, landscape legibility, and pest control within the ONL;
- Recognise that the patterns and values of indigenous biodiversity vary significantly across the extent of the ONL;
- Corrects the statement that the ONL is free of structures; and
- Recognises the historical and cultural significance of the area to the rural community.

162. A number of amendments have been made to Appendix 5, as a consequence of the working group between Stoney Creek Station Limited (SCSL), McLeod- Wantwood Trust (MWT) and Gore District Council (GDC). These changes give effect to the relief sought within the above submissions and are assessed in more detail within section 6.4 of this assessment.

163. SDCs submission is acknowledged. It is a little unclear from the SDC submissions which activities they are concerned about that are not already managed through district plan provisions. Without this clarity, it has been assumed that pest plants with the potential to spread across district boundaries may be of concern. It is acknowledged that consequential changes have been made to Appendix 5 to include reference to pest plants and animal infestations into the description of potential threats to landscape values. In my opinion, this essentially provides the assumed relief sought by SDC through the notified NFL-O1. In terms of provisions that implement the management of this threat, it is considered that the proposed NFL-R2 (Tree Planting), NFL-R9 (Plantation Forestry) and NFL-R10 (Woodlots) provide for this sufficiently. SDC is welcome to provide further information of any cross-boundary issues they feel are not sufficiently provided for through the recommended provisions.

164. SDCs requested relief regarding a Natural Character Chapter is accepted and an assessment provided for within section 6.7 of this report.

165. Stoney Creeks further submission in opposition to the relief sought by SDC is acknowledged.

¹⁷ [Reference & Background Documents | Let's Talk Gore District](#)

166. Based on the provision of a Natural Character Chapter and specifically the creation of Appendix 6, it is recommended that the reference to the Mataura River High Natural Character is removed from Appendix 5.

Recommendation

167. I recommend, for the reasons given above, that Appendix 5 be amended, specifically a more accurate description of the Landscape Values of the Hokonui/ Waterfall Range ONL and to incorporate differing sensitivity areas providing for more permissive farming activities reflecting the existing pastoral values of the ONL. As a consequential change due to the Natural Character Chapter Appendix 6 it is recommended that reference to this feature be removed from Appendix 5. These changes can be viewed within the attached Appendix 5.
168. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

169. The following evaluates the recommendation to amend Appendix 5 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner, whilst effectively and efficiently ensuring appropriate management of the Hokonui Hills ONL, management which effectively identifies the character and values of the landscape with provisions connected to the appendix efficiently managing effects.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal, noting the proposed amendments are hoped to reduce consenting costs on plan users.

Risk of acting or not acting

There is the potential for a misrepresentation of the existing character and values of the Hokonui Hills ONL, and as a consequence for farming activities within the Hokonui Hills to be unduly constrained, if the proposed amendments are not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objective NFL-01 of the NFL chapter than the notified version of the PDP.

6.10.2 Matters raised by submitters – NFL-O1

170. Kevin Robertson (\$115.099), Rural Ratepayers Group (\$143.110), Alistair & Bernadette Hunt (\$148.111), Ronald Crispin (\$60.101), John Baynes (\$68.219), and Federated Farmers

(S126.098) support the objective but request that the plan should seek to ensure any subdivision, use and development in ONF/Ls maintains the core values which make the landscape or feature outstanding, rather than preventing or limiting any subdivision, use or development.

171. To protect the values and characteristics of the Outstanding Natural Features and Landscapes of the Gore District from inappropriate subdivision, use and development by maintaining the core values of the Outstanding Natural Feature or Landscape.

Stoney Creek (FS25.079) supports in part the alignment of NFL-O1 with the values of the ONL.

172. DOC (S109.071) support the objective and seek for it to be retained as notified.
173. SDC (S146.049) (S146.039) oppose in part the objective and seek further work on cross-boundary issues, particularly adverse effects on the Hokonui Hills ONFL. There is also concern the PDP lacks an objective to protect (ONFL) from adverse effects beyond direct use which may result is adverse effects such as the spread of wilding trees reducing the biotic/abiotic values highlighted in Appendix 5. Adopting an umbrella objective focused on maintaining or enhancing ONFL landscapes would be appropriate for the Gore District Council. Additionally, incorporating an objective for identifying ONFLs, akin to Objective LNF.2 in the Southland Regional Policy Statement, would align with higher-level documents and provide flexibility for protecting new areas such as consideration of geological sites of national or regional importance and the integration of geoheritage sites.

Stoney Creek (FS25.075) oppose in part SDC's submission as they do not support the inclusion of additional areas within the ONL.

174. SDC (S146.049) seek further consideration of geological sites of national or higher importance and the integration of geoheritage sites into the NFL Chapter. There is a strip of land between the Hokonui Hills ONFL and Southland District, that may be best zoned Visual Amenity Landscape or equivalent. SDC highlighted potential mistakes in the implementation of the National Planning Standards in relation to a Natural Character Chapter and to ensure provisions between Councils are standardised.

Stoney Creek Station Ltd (FS25.078) oppose in part this submission as they do not support the inclusion of additional areas in the ONL.

Assessment

175. The intent of the above submissions (S115.099, S143.110, S148.111, S60.101), S68.219 and S126.098) requesting an amendment to NFL-O1 is supported, however the requested relief appears to be already provided through the notified wording of the objective. Specifically, that the values and characteristics of the ONFLs are protected. This was an intentional approach to align with the wording of Part 2, Section 6 of the RMA, and provide an effects-

based approach to the management of the ONFL of the District.¹⁸ While the requested wording achieves the intended objective, it introduces additional text without providing any further benefit. Additionally, the requested relief reads as a policy, specifically in relation to how the objective will be achieved, rather than an objective which should state the high-level outcome sought.

176. SDCs requested relief is acknowledged. As outlined within Mr Moore's Landscape Assessment, pest plants and animal infestations are potential threats to the landscape values of the Hokonui Hills and these have the potential to invade beyond the ONL and District boundaries. Based on this an amendment to specifically reference this as a threat within Appendix 5 is supported, which may give some relief to the SDC submission.
177. Amending NFL-O1 or the inclusion of a new objective as submitted by SDC is not supported. Any objective must be supported by relevant policies and district plan provisions, as mentioned by Mr Moore a buffer zone over the land adjoining SDC is one example of this. SDC is invited to provide further information outlining specific concerns they have of cross boundary issues and further evidence supporting how the PDP does not sufficiently manage those risks. In lieu of this, no additional provisions are recommended.
178. Geoheritage sites were considered prior to the notification of the PDP and addressed within the s32A¹⁹, specifically as issue 3: "The District Plan does not manage Geo-Heritage Features". At the time it was considered, with input from Mr Moore, that these sites did not meet the criteria for inclusion as Outstanding Natural Landscapes or Features, however, may be suitable for inclusion as Visual Amenity Landscapes (VAL). Mr Moore expands on this assessment within Appendix C, and the potential suitability of VAL classification of some areas. If the panel are of a mind to include these areas as VAL areas, further investigation and consultation would be required. In lieu of this further work it is not recommended to include these areas as VAL.
179. SDCs request for a new objective for identifying ONFLs is not supported. The proposed District Plan review process serves as the mechanism for identifying Outstanding Natural Landscapes (ONFLs). Including an objective to this effect would be redundant once the ONFL boundaries have been established.
180. Support from DOC for the objective as notified is acknowledged.

¹⁹ Section 32 Evaluation - Natural Features and Landscapes

Recommendation

181. I recommend, for the reasons given above, that the objective is retained as notified.
182. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.10.3 Matters raised by submitters – NFL-P1

183. Federated Farmers (S126.099), Kevin Robertson (S115.100), Rural Ratepayers Group (S143.111), Alistair & Bernadette Hunt (S148.112), Ronald Crispin (S60.102), John Baynes (S68.220) support the policy and seek it is retained as notified as the policy recognises and provides for existing rural activities.
184. DOC (S109.072) support this policy and seek it is retained as notified. Stoney Creek (FS25.080) opposes DOC's submission and considers the policy does not adequately recognise the benefits of pastoral farming to the values of the ONL.
185. Farm Manager – Wantwood Station (S105.002), Peters Farm Ltd Karen Peters (S127.002), and McLeod-Wantwood Trust/Wantwood Station (S104.002) seek to amend the policy to recognise existing farming activities. The s32 report for the NFL Chapter states that the NFL policies acknowledge the importance of farming and maintenance of existing activities for the district, however the rules, objectives and policies in the District Plan do not acknowledge the importance of farming to the values of the ONL and the importance of maintaining existing farming activities in the district. The following change to NFL-P1 is requested:
2. Recognising ~~the that~~ that working pastoral farms exist within the ONL and as such contribute to existence of working pastoral farms and their contribution to the openness and landform legibility of outstanding natural features and landscapes

Stoney Creek (FS25.081) support McLeod-Wantwood Trust/Wantwood Station's submission.

186. Trudy Bokser (S113.017), Nathan Bokser (S116.017), AW+ JA Johnston Family Trust (S118.017), Peters Farm Ltd Karen Peters (S127.053), Reaby Downs Farm Ltd (S18.019), Karen Temple (S19.019), Sarah and Peter Barclay (S20.019), Helen McIntosh (S24.019), John Baynes (S68.021), Greg Bokser (S117.017), and Stoney Creek (S3.017) oppose the policy as it does not go far enough to recognise the benefits of pastoral farming. They seek it is amended to recognise the benefits of pastoral farming as follows:

Avoid adverse effects on the values and characteristics of identified outstanding natural features and landscapes described within Appendix 5 by:

...

2. Recognising the benefits provided by existing ~~existence of~~ working pastoral farms and their contribution to the openness and landform legibility of outstanding natural features and landscapes;

Federated Farmers (FS17.047) support Stoney Creek's submission.

187. Transpower (S101.057) oppose the policy and seek it is amended to the extent it applies to the National Grid for consistency with Policy 8 of the NPS-ET. Policy 8 does not direct absolute avoidance, but rather directs that development of the National Grid in rural environments "seeks to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities". Further, it is not clear how Policy NFL-P1 is intended to relate to Policy NFL-P3. It is considered that the two policies may give differing directions and give rise to the potential for tension between the two provisions. The following amendment is requested:

NFL-P1 Except where NFL-P3 applies, a—Avoid adverse effects on the values and characteristics of identified outstanding natural features and landscapes described within Appendix 5 by:

188. Alliance Group Limited (S121.053) seek to amend the policy's avoid direction as it is overly restrictive. They seek recognition of the essential components of the renewable electricity scheme and water supply for the Mataura Plant as follows:

Avoid, remedy or mitigate adverse effects on the values and characteristics of identified outstanding natural features and landscapes described within Appendix 5 by:

(...)

2. Recognising the existence of working pastoral farms and their contribution to the openness and landform legibility of outstanding natural features and landscapes;

3. Recognising the existence of weirs, races and other structures which have modified the natural form of the Mataura Falls;

4 (...)

189. Hokonui Rūnanga (S139.058) support in part the policy and seek it is amended to provide for values mana whenua associate with these areas as follows:

"Avoid adverse effects on the values and characteristics of identified outstanding natural features and landscapes described within Appendix 5 by: ...

~~5. Recognising and providing protection for Ngāi Tahu cultural values as they relate to natural features and landscapes.~~ Ensuring values mana whenua associate with areas classified as outstanding natural features or landscapes are recognised and provided for in both classifying these areas and assessing the effects of activities in these areas."

190. ES (S85.037) support in part the policy and seek it is amended to acknowledge that indigenous biodiversity loss can have an impact on outstanding landscapes as ecology is an attribute that supports ONL criteria.

191. Rural Ratepayers Group (S143.009) seek to amend the policy in areas of significant natural tussock as light stocking rates benefit tussocks, heavy stocking degrades and harms the resource. Hamish Weir (FS5.49) supports the above submission.

192. Forest & Bird (S110.036) seek to amend the policy to include an avoidance of renewable energy as location of large-scale developments of this nature have the potential to cause adverse effects on natural landscapes/features, and biodiversity/ecosystems. Amend as follows:

4. Avoiding activities that are incompatible with the identified values, including plantation forestry, renewable energy and mineral extraction,

Federated Farmers (FS17.048) oppose the above submission as pursuant to s7(j) of the RMA Council must have regard to the benefits derived from renewable energy.

Contact Energy (FS24.038) oppose the above submission as it does not appropriately recognise the regional and national significance of these activities and is inconsistent with the NPS-REG.

193. Mercury (S130.051) seek the policy to be amended to recognise the functional need of infrastructure as per the following:

~~Avoid-manage~~ adverse effects on the values and characteristics of identified outstanding natural features and landscapes described within Appendix 5 by:

1. Avoiding development and land use that results in significant adverse effects on landscape values and avoiding or appropriately mitigating other adverse effects on landscape values.
2. Recognising the existence of working structures within the rural environment, including pastoral farms and their contribution to the openness and landform legibility of outstanding natural features and landscapes;
3. Demonstrating how development can be visually integrated into the landscape by:
 - (a) remedying or mitigating the impacts on the visual continuity of the Hokonui Hills Skyline and visually prominent hillslopes;
 - (b) ensuring buildings and structures are appropriately sited, designed, finished, and if required, mitigated by appropriate plantings, to have minimal impact on the landscape values.
 - (c) ensuring that building density and form maintains the identified landscape values. (d) the functional needs of infrastructure.
4. Avoiding activities that are incompatible with the identified values, including plantation forestry and mineral extraction,
5. Recognising and providing protection for Ngāi Tahu cultural values as they relate to natural features and landscapes.

194. Contact Energy (FS24.039) support this submission.

Assessment

195. A number of submissions seek to amend the reference to existing pastoral farms and their contribution to landscape values, while the intent of these submission is supported it is unclear what benefit the revised wording achieves. I note that NFL-P1.2 already does provide for this recognition, and no change is therefore recommended. Some submitters suggest additional revised wording stating that the policy as notified does not go far enough to recognise the benefits of pastoral farming. While no change to the policy is recommended in this regard, the amendments to Appendix 5 may give relief to the intent of these submissions, noting further recognition for the existence of pastoral farms within the Hokonui Hills.

196. Transpower's submission is acknowledged, however NFL-P1 is intended to apply to the development of critical infrastructure. Policy 8 of the NPSET directs that infrastructure should seek to avoid adverse effects on Outstanding Natural Landscapes which in my view is consistent with NFL Policy 1. While there may be some reconciliation required between NFL-P1 and NFL-P3, given the sensitive nature of an ONL, it is considered appropriate to avoid adverse effects on the values and characteristics of the ONFL (NFL-P1) whilst considering the Operational and functional needs of the activity (NFL-P3).
197. Alliances submission is acknowledged, the existence of weirs, races and other structures within the Mataura Falls is referenced within Appendix 5, which does in my view effectively provide for this relief within the policy, noting that these structures form part of the description of the Mataura Falls. As such further inclusion within NFL-P1 is considered unnecessary.
198. Alliances request to include "remedy and mitigate" to this policy is considered an unnecessary addition, while I do not disagree with Mr Moore's assessment that these terms may be appropriate, I consider that NFL-P1 has been purposely written to avoid adverse effects, rather than to avoid specific activities. NFL-P1 .1, 3.(a) &(b) provides for the opportunity to "mitigate" "remedy" in a more directive and targeted manner, including this at the front end of the policy in my view does not add value, and on balance I do not recommend these changes be made.
199. The Hokonui Rūnanga submission is acknowledged and accepted. I considered mana whenua best placed to advise on how to effectively manage mana whenua values. Based on this I recommend accepting this submission.
200. ES submission is acknowledged, however it is unclear from this submission if any changes are sought. In lieu of this clarification no amendments are recommended.
201. The rural ratepayers submission is acknowledged however it is unclear what specific relief they are seeking. I do not believe it is the role of a district plan to dictate stocking rates of a certain environment, however if those stocking rates were to result in indigenous biodiversity clearance then the relevant rules within the NFL or ECO Chapter would apply. The submitter is welcome to provide further clarification as to their requested relief.
202. Forest & Birds submission is acknowledged and supported in its intent, however as outlined within Appendix C, the adverse effects of these activities are introduced via large structures and associated earthworks, and I agree with Mr Moore's conclusion that NFL-P1 covers these matters sufficiently and therefore the specificity of renewable energy is unnecessary.
203. Mercury's submission is acknowledged, however I do not agree that the term "avoid" shall be replaced by "manage", considering this does not give effect to NFL-O1. The request to include working structures within the rural environment is acknowledged, however this is specifically describing the identified ONFLs. Mercury is welcome to provide clarification if they seek this description be altered as it relates to the wider rural environment, or the ONFLs in particular, if the later it would be useful to describe these structures more specifically for further consideration. Mercury requested relief that the term functional needs of

infrastructure be added to NFL-P1 is not supported as I consider this relief to be provided through NFL-P3.

204. Support for the policy as notified from a number of submitters is acknowledged.

Recommendation

205. I recommend, for the reasons given above, that NFL-P1 is amended as follows:

NFL-P1 Avoid adverse *effects* on the values and characteristics of identified Outstanding Natural Features and Landscapes described within Appendix 5 by:

1. Avoiding development and land use that results in significant adverse *effects* on landscape values and avoiding or appropriately mitigating other adverse *effects* on landscape values.
2. Recognising the existence of working pastoral farms and their contribution to the openness and landform legibility of Outstanding Natural Features and Landscapes;
3. Demonstrating how development can be visually integrated into the landscape by:
 - (a) remedying or mitigating the impacts on the visual continuity of the Hokonui Hills Skyline and visually prominent hillslopes;
 - (b) ensuring *buildings* and *structures* are appropriately sited, designed, finished, and if required, mitigated by appropriate plantings, to have minimal impact on the landscape values.
 - (c) ensuring that *building* density and form maintains the identified landscape values.
4. Avoiding activities that are incompatible with the identified values, including *plantation forestry* and mineral extraction,
5. ~~Recognising and providing protection for Ngāi Tahu cultural values as they relate to Natural Features and Landscapes.~~ Ensuring values mana whenua associate with areas classified as outstanding natural features or landscapes are recognised and provided for in both classifying these areas and assessing the effects of activities in these areas.

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

Section 32AA Evaluation

207. The following evaluates the recommendation to amend NFL-P1 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The amendment to NFL-P1.5 enables mana whenua to effectively provide for the management of mana whenua values.

Costs and benefits

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

Risk of acting or not acting

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

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objective NFL-P1 than the notified version of the PDP.

6.10.4 Matters raised by submitters – NFL-P2

208. DOC (S109.073) support this policy, in particular point 5 and 6, and seek it is retained as notified as they consider it aligns with the NPS-FM.
209. Alliance Group Limited (S121.054) support the policy and seek it retained as notified as they agree with the restoration and enhancement measures.
210. Federated Farmers (S126.100), Kevin Robertson (S115.101), Rural Ratepayers Group (S143.112), Alistair & Bernadette Hunt (S148.113), Ronald Crispin (S60.103), and John Baynes (S68.221) support in part the policy but have concerns with the interpretation of angling fisheries species and seek it is amended to refer to native fish species as follows:

Provide for and encourage the restoration and/or enhancement of the natural character of the Te Au Nui Pihapiha Kanakana Mataura Falls where:

1. Restoration and/or enhancement will achieve long-term improvement in natural character, landscape and associated Ngāi Tahu cultural values; and/or
 2. It will assist in the restoration of indigenous biodiversity or ecosystems and angling and native fisheries species;
211. Forest & Bird (S110.037) seek the policy is amended as angling fisheries species could adversely impact indigenous fish by increasing predation. The following amendment is sought:
2. It will assist in the restoration of indigenous biodiversity or ecosystems ~~and angling fisheries species~~; and/or

Hamish Weir (FS5.50) opposes this submission as they consider the Mataura is an internationally acclaimed trout fishery and should be recognised as such in the plan.

212. SDC (S146.051) oppose this policy in part and request it is moved to the Natural Character chapter as it does not have a larger Outstanding Natural Feature or Landscape clause. The Natural Character Chapter should include a specific objective for restoration and/or enhancement. Alliance Group Limited (FS27.016) oppose this submission.

Assessment

213. A number of submissions request for native fish species to be directly referred to. While it is agreed that native fish species form an important part of the biodiversity of this river, this is considered to be covered by the reference to indigenous biodiversity and further inclusion is considered unnecessary.
214. Forest & Birds submission is acknowledged, however the inclusion of angling fisheries within this policy was intentional to reflect the rivers status under the water conservation order as a contributing factor to the values of the ONF. Based on this no change is proposed.
215. SDCs submission is supported in its intent and as a consequential change a similar policy has been recommended for inclusion within a new Natural Character Chapter. This policy, with a few consequential amendments to reflect the management of natural character, is still recommended to remain within the NFL chapter, as it remains relevant to protect the values of the Mataura Falls as an ONF. Due to this there is some overlap with the two chapters, however the policies are consistent with each other and should not result in any conflict. A new objective is recommended for inclusion within the new Natural Character Chapter and addressed through the supporting S32AA assessment.

Recommendation

216. I recommend, for the reasons given above, that consequential changes to the new Natural Character Chapter means some amendments to NFL-P2 are recommended to remove reference to Natural Character. These changes can be viewed within Appendix A.
217. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

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

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

Costs and benefits

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

Risk of acting or not acting

There is the potential for unnecessary repetition if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objective NFL-O1 and NATC-O1 than the notified version of the PDP.

6.10.5 Matters raised by submitters – NFL-P3

219. NZTA (S112.072) support the policy and seek it is retained as notified.
220. Transpower (S101.058) support in part the policy and seek it is amended to give effect to Policy 3 of the NPS-ET which requires "When considering measures to avoid, remedy or mitigate adverse environmental effects of transmission activities, decision-makers must consider the constraints imposed on achieving those measures by the technical and operational requirements of the network." The following amendments are requested:

NFL-P3 Avoid the placement of critical infrastructure within identified outstanding natural features and landscapes, unless, having regard to the operational needs or functional needs of the activity

1. There is no reasonable alternative ~~due to the operational or functional need~~ for the location; and
2. Adverse effects on landscape values can be avoided or appropriately mitigated to the extent feasible.

221. DOC (S109.074) oppose the policy and seek it is amended to include reference to the effects management hierarchy in the NPS-FM and NPS-IB and consideration of Indigenous Biodiversity values. Consideration should also be given to all infrastructure, not just critical infrastructure. DOC request changes as follows, or words to similar effect:

NFL-P3: Avoid the placement of ~~critical~~ infrastructure within identified outstanding natural features and landscapes, unless

1. There is no reasonable alternative due to the operational or functional need for the location; and
2. Adverse effects on landscape and indigenous biodiversity values can be avoided or appropriately mitigated by applying the effects management hierarchy.

222. Hamish Weir (FS5.51) opposes the submission as they do not consider it practical to avoid these areas for infrastructure. Transpower (FS30.024) oppose this submission as there is no rationale to extend the policy to address indigenous biodiversity nor extending the effects management hierarchy. Contact Energy (FS24.040 & FS24.042) oppose the submission as they consider indigenous biodiversity is beyond the scope of this chapter and is addresses in the ECO chapter.

223. Mercury (S130.052) oppose the policy and seek it is amended to ensure development within these areas are well justified in terms of functional need. The following amendments are sought:

Avoid the placement of critical infrastructure within identified outstanding natural features and landscapes, unless

1. There is ~~a no reasonable alternative due to the operational or functional need~~ for the location; and
2. Adverse effects on landscape values can be avoided or appropriately mitigated.

224. Contact Energy (FS24.041) support in part the submission but considers it important to retain the reference to “operational need”.

Assessment

225. Transpowers submission requesting amendments to NFL-P3 is acknowledged and largely agreed with. Their proposed wording to move the operational and functional needs of the activity into the body of the policy provides improved alignment with the NPS-ET. The requested relief of “where feasible” however is not supported as this in my view provides for a softening of the policy and would lack sufficient safeguards to mitigate adverse environmental impacts.
226. DOCs submission is acknowledged and the requested relief of referring to infrastructure as opposed to critical infrastructure is supported. It is noted that the possibility that this change could result in unintended conflict in instances where smaller scale infrastructure is proposed has been considered. It is noted that many farm based infrastructure land uses are now recommended to be provided for as permitted activities, in instances where consents are required and this policy assessed, it is considered that these activities would likely be consistent with this policy, noting the operational and functional needs, and the provision for alignment where adverse effects on landscape values can be avoided or mitigated.
227. DOCs submission regarding the specific inclusion of indigenous biodiversity and the effects management hierarchy is not supported. While indigenous biodiversity loss can result in adverse landscape effects, I consider that this consideration is already provided for within NFL-P1, with reference Appendix 5. The management of indigenous biodiversity outside of landscape effects is more appropriately located within the ECO chapter.
228. Mercury’s requested relief is not supported in favour of Transpower’s suggestion. I agree with Contact Energy that retention of operational need is important.

Recommendation

229. I recommend, for the reasons given above, that NFL-P3 is amended as follows:

- NFL-P3 Avoid the placement of ~~critical~~ infrastructure within identified Outstanding Natural Features and Landscapes, unless, having regard to the operational needs or functional needs of the activity
1. There is no reasonable alternative ~~due to the operational or functional need~~ for the location; and
 2. Adverse effects on landscape values can be avoided or appropriately mitigated.

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

Section 32AA Evaluation

231. The following evaluates the recommendation to amend NFL-P3 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The proposed amendments will effectively align with the NPS-ET and ensure all infrastructure is considered whilst still protecting the values of the ONFL.

Costs and benefits

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

Risk of acting or not acting

There is the potential for misalignment with the NPS-ET if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objective (NFL-O1) than the notified version of the PDP.

6.10.6 Matters raised by submitters – NFL-P4

232. Mercury (S130.053) support the policy and seeks to ensure that development within areas of significant landscapes are well justified with a functional need.
233. Farm Manager - Wantwood Station (S105.003), Peters Farm Ltd Karen Peters (S127.003), and McLeod-Wantwood Trust/Wantwood Station (S104.003) oppose the policy and seek it is amended to give weight to existing farming activities and include the following:

4. In the Hokonui Hills ONL, whether the site is a working farm and the contribution this makes to the values of the Outstanding Natural Feature.

Stoney Creek (FS25.084) support McLeod-Wantwood Trust/Wantwood Station's submission.

234. Trudy Bokser (S113.018), Nathan Bokser (S116.018), AW+ JA Johnston Family Trust (S118.018), Peters Farm Ltd Karen Peters (S127.054), Reaby Downs Farm Ltd (S18.020), Karen Temple (S19.020), Sarah and Peter Barclay (S20.020), Helen McIntosh (S24.020), John Baynes (S68.022), Greg Bokser (S117.018), Stoney Creek (S3.018), Kevin Robertson (S115.102), Rural Ratepayers Group (S143.113), Alistair & Bernadette Hunt (S148.114), Ronald Crispin

(S60.104), John Baynes (S68.222), and Federated Farmers (S126.101) seek the policy is amended to recognise existing activities with the addition of the following:

When assessing resource consents within Outstanding Natural Features and Landscapes, consider the following matters; ...

4. The presence of existing activities within the ONF/L and whether the activity is changing in intensity, scale or character.

Federated Farmers (FS17.049) supports Stoney Creek's submission and Hamish Weir (FS5.53) and Stoney Creek (FS25.085) support Federated Farmer's submission.

235. ES (S85.038) seek the policy is amended to acknowledge that identifying and protecting cultural values is an important matter of sections 6,7 & 8 of the RMA and that although cultural landscapes are not yet mapped the work will occur at some stage during the life of the plan. An additional policy is also requested to identify that the Apiti Hono Tatai Hono framework is an approach, but not the only, to identify cultural values. Hamish Weir (FS5.52) opposes this submission as it is uncertain and should be left until legislation requires it.
236. DOC (S109.075) oppose this policy and seek it is amended to consider indigenous biodiversity and apply the effects management hierarchy in line with the NPS-IB and NPS-FM as follows, or words to similar effect:

When assessing resource consents within Outstanding Natural Features and Landscapes, consider the following matters;

1. The extent to which adverse effects on landscape and indigenous biodiversity values can be ~~managed~~, avoided or appropriately mitigated through the application of the effects management hierarchy; and
2. The extent to which the proposed activity recognises and provides for Ngāi Tahu cultural values, rights and interests; and
3. The operational or functional need for the activity to be undertaken within an Outstanding Natural Feature or Landscape.

Alliance Group Limited (FS27.017) and Stoney Creek (FS25.083) oppose this submission as they consider indigenous biodiversity to be addressed in the ECO chapter.

Transpower (FS30.025) oppose this submission as they consider indigenous biodiversity better addressed in the ECO chapter and there is no rationale for extending the effects management hierarchy.

237. Transpower (S101.059) support in part this policy but seek limited amendments to clause (3) to better refer to operational needs and to delete the superfluous reference to Outstanding Natural Features or Landscapes. Transpower seek the inclusion of reference to the benefits of the proposed activity consistent with the NPS-ET. The following changes are requested:

NFL-P4: (...) 3. The operational needs or functional needs of ~~for the activity to be undertaken within an Outstanding Natural Feature or Landscape.~~

x. The benefits of the proposed activity to the health, safety and wellbeing of people and communities."

Stoney Creek (FS25.082) support this submission.

Assessment

238. A number of submissions from the farming community seek greater recognition within this policy of the existing farming activities and the resulting contribution to the values of the ONFL. I agree with these submissions in principle; however I recommend alternative relief in reference to Appendix 5. The amendments to Appendix 5 in my view effectively capture the values and characteristics of the ONFL and the contribution of farming, based on this it is recommended that NFL-P4 be amended to directly reference consideration of the characteristics and values identified within Appendix 5 to ensure this is considered through resource consent assessments. This recommendation in my view give effect to the requested relief as the existence of working farms is identified within Appendix 5.
239. Regarding the submission from ES, it is unclear from the relief sought what changes are proposed or what wording is sought for an additional policy. Noting the ongoing work of the SASM Chapter and due consideration for the appropriate place for cultural landscapes to be identified, ES are invited to provide further clarification on this matter. In the interim it is recommended that this submission be rejected.
240. DOCs submission regarding the specific inclusion of indigenous biodiversity and the effects management hierarchy is not supported. While indigenous biodiversity loss can result in adverse landscape effects, I consider that this consideration is already provided for within NFL-P1, with reference Appendix 5. The management of indigenous biodiversity outside of landscape effects is more appropriately located within the ECO chapter.
241. Transpowers submission is acknowledged and supported. The proposed minor amendments to NFL-P4.3 better align with the defined term of "operational need", and it is agreed the use of Outstanding Natural Features is superfluous. The addition of "The benefits of the proposed activity to the health, safety and wellbeing of people and communities" is supported as aligning with Objective 1 of the NPS-ET.
242. A minor amendment to the policy is recommended to clarify that the list is not intended to be exhaustive.

Recommendation

243. I recommend, for the reasons given above, that NFL-P4 be amended as follows:

NFL-P4 When assessing resource consents within Outstanding Natural Features and Landscapes, ~~include consideration of consider~~ the following matters;

1. The extent to which adverse effects on landscape values described within Appendix 5 can be managed, avoided or appropriately mitigated; and
2. The extent to which the proposed activity recognises and provides for Ngāi Tahu cultural values, rights and interests; and
3. The operational need or functional need for the activity ~~to be undertaken within an Outstanding Natural Feature or Landscape.~~

4. The benefits of the proposed activity to the health, safety and well-being of people and communities

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

Section 32AA Evaluation

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

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The amendments more effectively align with the NPS-ET and provide for a consistent connection with Appendix 5 as an assessment tool.

Costs and benefits

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

Risk of acting or not acting

There is the potential for misalignment with the NPS-ET if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objective NFL-O1 than the notified version of the PDP.

6.10.7 Matters raised by submitters – NFL-R1

246. Andrew Welsh (S79.001) and Katherine Welsh (S53.005) oppose this rule and seek this section is removed as they consider farm buildings and structures need to be larger than the permitted standards. They consider that Council is trying to seek additional fees and controls on the operations of farms.

Stoney Creek (FS25.086)(FS25.096) support in part Andrew Welsh's and Katherine Welsh's submission to remove restrictions on farming practices where these are existing activities.

247. Farm Manager - Wantwood Station (S105.004), Peters Farm Ltd Karen Peters (S127.004), and McLeod-Wantwood Trust/Wantwood Station (S104.004) oppose this rule as they do not consider the permitted standards practical for farming purposes and come at a higher cost to landowners. The following amended are requested:

1. The building or structure is for farming purposes, excluding residential use; (a) Does not exceed ~~30m²~~ 300m² in area; and (b) Height shall not exceed 6m ~~3m~~;
2. Buildings or structures for non-farming purposes; (a) The maximum height does not exceed

~~2m 5m~~; and (b) The maximum gross floor area is no more than ~~5m2~~ 30m2. 3. All non-farming buildings and structures must be finished in materials with a maximum reflectance value of 30%.

Stoney Creek (FS25.094) support in part McLeod-Wantwood Trust/Wantwood Station's submission as they support the removal of restrictions on farming practices.

248. Trudy Bokser (S113.020), Nathan Bokser (S116.020), AW+ JA Johnston Family Trust (S118.020), Peters Farm Ltd Karen Peters (S127.056), Reaby Downs Farm Ltd (S18.022), Karen Temple (S19.022), Sarah and Peter Barclay (S20.022), Helen McIntosh (S24.022), John Baynes (S68.024), Greg Bokser (S117.020), and Stoney Creek (S3.020) oppose this rule as they consider it overly restrictive and contradicts the S32 report with seemingly no justification for the increase. The findings of the S32 report are disputed including the cost benefit analysis. Further, the rule contradicts the policy framework which acknowledges the presence and benefits of pastoral farming. They seek it is amended to the following:

Activity status: Permitted

Where:

1. The building or structure is for farming purposes, ~~excluding residential use~~;
 - (a) Does not exceed ~~500~~ 30m² in area; and
 - (b) Height shall not exceed ~~8~~ 3m;
2. Buildings or structures for non-farming purposes;
 - (a) The maximum height does not exceed 2m; and
 - (b) The maximum gross floor area is no more than 5m²
3. All buildings and structures (excluding fences and buildings and structures for farming purposes) must be finished in materials with a maximum reflectance value of 30%

Hamish Weir (FS5.55) supports Stoney Creek's submission. Federated Farmers (FS17.051) supports Stoney Creek's submission as they align with Federated Farmers submission with the only difference being how 'farm fences' is distinguished from fences. If Stoney Creek's wording is preferred then 'farm fences' should be excluded from Clause 3.

249. Kevin Robertson (S115.104), Rural Ratepayers Group (S143.115), Alistair & Bernadette Hunt (S148.116), Ronald Crispin (S60.106), John Baynes (S68.224), and Federated Farmers (S126.103) support in part the distinction in this rule between buildings and structures for farming purposes and non-farming purposes. However, the rule should be amended to provide a greater allowance permitted for farming purposes as follows:

Activity status: Permitted Where:

1. The building or structure is for farming purposes, excluding residential use;
 - (a) Does not exceed ~~30~~ 500m² in area;
 - (b) Height shall not exceed ~~8~~ 3m;
3. All buildings and structures (excluding those for farming purposes)

Hamish Weir (FS5.56) and Stoney Creek (FS25.095) support Federated Farmer's submission.

Assessment

250. A number of submissions seek changes to NFL-R1 to remove restrictions for buildings and structures for farming activities. A number of changes have been proposed to NFL-R1 through the working group process, and while they do not provide for the specific relief of the submitters, I consider this provides for the intent, and improves the workability of the proposed rule whilst still protecting landscape values of the area.
251. The recommended provision provides for an increase in size for farm buildings in lower sensitivity areas, based on rough calculations for a four bay farm shed. As outlined within Appendix C, from a landscape perspective it was considered appropriate to distinguish between farm buildings and non-farm buildings to reflect the existing character of the Hokonui Hills. It is also noted that non-farm buildings often come with a larger domestication curtilage (residential dwellings) and so a less permissive approach is recommended for these, and I accept this advice.
252. The submissions seeking that NFL-R1 be removed due to building consent requirements creating a double dip is not accepted. The District Plan and Building Act are two separate pieces of legislation that seek to manage different aspects of a building. The effects on people and the environment (RMA) and the safety of a building (Building Act).

Recommendation

253. I recommend, for the reasons given above, that NFL-R1 is amended as follows:

NFL-R1	Buildings and Structures (excluding fences) within an identified ONF/L	
<u>Lower Sensitivity Area</u>	Activity status: Permitted Where: <u>The building or structure is for farming purposes, excluding residential use;</u> <u>Does not exceed 175m² in area; and</u> <u>Height shall not exceed 6m;</u> <u>Buildings or structures for non-farming purposes;</u> <u>The maximum height does not exceed 2m; and</u> <u>The maximum gross floor area is no more than 5m²;</u> <u>All buildings and structures must be finished in materials with a maximum reflectance value of 30%.</u>	Activity status where compliance is not achieved: Discretionary
<u>All zones</u> <u>All other areas</u>	Activity status: Permitted Where: - The building or structure is for farming purposes, excluding residential use; - Does not exceed 30m² in area; and - Height shall not exceed 3m; and <u>Is not located within 30m of a mapped ridgeline.</u> - Buildings or structures for non-farming purposes; - The maximum height does not exceed 2m; and	

(b) The maximum *gross floor area* is no more than 5m²; and

(c) Is not located within 30m of a mapped ridgeline.

6. All *buildings* and *structures* must be finished in materials with a maximum reflectance value of 30%

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

Section 32AA Evaluation

255. The following evaluates the recommendation to amend NFL-R1 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The amended provision provides for the effective management of the ONFL, whilst efficiently avoiding unnecessary resource consents.

Costs and benefits

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

Risk of acting or not acting

There is the potential for unnecessary resource consents if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objective (NFL-O1) than the notified version of the PDP.

6.10.8 Matters raised by submitters – NFL-R2

256. Trudy Bokser (S113.021), Nathan Bokser (S116.021), AW+ JA Johnston Family Trust (S118.021), Peters Farm Ltd Karen Peters (S127.057), Reaby Downs Farm Ltd (S18.023), Karen Temple (S19.023), Sarah and Peter Barclay (S20.023), Helen McIntosh (S24.023), John Baynes (S68.025), Greg Bokser (S117.021), and Stoney Creek (S3.021) seek to amend the rule as they do not consider it appropriate to limit the tree planting for certain purposes as follows:

Tree planting, other than plantation forestry within an identified ONF/L

Activity status: Permitted

Where:

1. The tree planting is of indigenous species or is required and for restoration, conservation,

or hazard prevention measures, shelter belts, wind breaks, or to address land instability or erosion.

Activity status where compliance is not achieved: Restricted Discretionary

Matters of discretion:

1. Effects on the values as listed in NFL-APP Appendix 5.
2. Impacts on Ngāi Tahu cultural values, including those listed in MW2.3.
3. Any benefits provided by the proposed tree planting.

Federated Farmers (FS17.052) support Stoney Creek's submission but request that the impact on Ngāi Tahu cultural values as a matter of discretion shall be limited to those listed in the Mana Whenua Chapter 2.3.

257. Kevin Robertson (S115.105), Rural Ratepayers Group (S143.116), Alistair & Bernadette Hunt (S148.117), Ronald Crispin (S60.107), John Baynes (S68.225), and Federated Farmers (S126.104) support in part this rule and seek that it is amended to provide for planting of non-indigenous trees where it is for the purpose of farming such as shelterbelts. It is considered that there would be no increased visual effects from planting exotic trees instead of indigenous trees and shelterbelts are often planted in non-indigenous vegetation. They seek the inclusion of a new policy which avoids planting exotic tree species which adversely affect indigenous biodiversity as follows:

Activity status: Permitted Where:

1. The tree planting is of indigenous species and for restoration, conservation, or hazard prevention measures.
2. The tree planting is for the purposes of planting a shelterbelt or windbreak. (...)

Matters of Discretion:

1. Effects on the values as listed in NFL-APP Appendix 5.
2. Impacts on Ngāi Tahu cultural values, ~~including those~~ listed in MW2.3.
3. Any benefits provided by the proposed tree planting.

Stoney Creek (FS25.097) support in part Federated Farmer's submission as alternative relief to their own submission.

Assessment

258. A number of submitters request greater flexibility within this rule for tree planting within an ONFL. Through the working group process a number of changes have been proposed to NFL-R2, and while they do not provide for the specific relief of the submitters, in my opinion they provide for the intent, and improve the workability of the proposed rule whilst still protecting landscape values of the area.
259. Amendments to NFL-R2 are proposed that provide a tiered approach with more permissive tree planting provided for within the LSA, and more restrictive planting requirements within all other areas of the ONFL. As outlined within Appendix C, greater flexibility has been provided within the LSA around the curtilage of farm buildings and stockyards to control the extent of exotic plantings and associated effects on landscape values. Indigenous vegetation planting is provided for elsewhere in the ONL with some limits to avoid visual dissecting of

these more sensitive landscape areas by shelterbelts. Mr Moore's evidence is adopted for the purpose of this assessment, specifically the recommendation for a tiered approach enabling exotic plantings within the LSA with controls, with a less permissive approach in other areas of the ONL.

260. Federated farms submission requesting that matters of discretion should be limited to those listed in Mana Whenua Chapter 2.3, is acknowledged; however this amendment would be inconsistent with the remainder of the plan. Should the panel be of a mind to accept this submission it is recommended consequential changes to the remainder of the plan are undertaken.

Recommendation

261. I recommend for the reasons above that NFL-R2 is amended as follows:

NFL-R2 Tree planting, other than <i>plantation forestry</i> <u>or woodlots</u> within an identified ONF/L		
<u>Lower Sensitivity Area</u>	Activity status: Permitted Where: <u>The tree planting is <i>indigenous vegetation</i>; or</u> <u>It is within 100m of a farm building or stockyard; and</u> <u>The species is not a pest plant identified in any Regional Pest Management Plan or the Biosecurity Act 1993.</u>	Activity status where compliance is not achieved: Restricted Discretionary
<u>All zones</u> <u>All other areas</u>	Activity status: Permitted Where: - The tree planting is of <i>indigenous <u>vegetation species</u></i> and for restoration, conservation, or hazard prevention measures. <u>The tree planting is of <i>indigenous vegetation</i> and for a shelterbelt of up to 40m in length.</u>	Matters of discretion: <i>Effects</i> on the values as listed in NFL-APP Appendix 5. - Impacts on Ngāi Tahu cultural values, including those listed in MW-2.3.

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

Section 32AA Evaluation

263. The following evaluates the recommendation to amend NFL-R2 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The amended NFL-R2 provides for a greater level of flexibility within the ONFL to provide for farming activities whilst protecting the landscape values of the ONFL.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal, noting greater flexibility will help avoid an unnecessary consenting burden.

Risk of acting or not acting

There is the potential for lack of flexibility to provide for everyday needs of farming if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objective (NFL-O1) than the notified version of the PDP.

6.10.9 Matters raised by submitters – NFL-R3

264. NZTA (S112.073) support this rule and seek it is retained as notified.

265. Farm Manager - Wantwood Station (S105.013) (S105.035), Peters Farm Ltd Karen Peters (S127.013) (S127.035), and McLeod-Wantwood Trust/Wantwood Station (S104.013) (S104.035) seek to amend this rule to remove reference from NFL-R3 with regards to fencing based on the 'earthworks' definition noting the definition excludes the installation of fence posts.

Heritage NZ (FS11.048) oppose McLeod-Wantwood Trust/Wantwood Station's submission (S104.013) as activities which involve earthworks and land disturbance such as fencing have the potential to encounter identified and unidentified archaeology.

266. Andrew Welsh (S79.002) and Katherine Welsh (S53.001) oppose this rule and seek this section is removed as they do not consider the provision points acceptable for standard farming practice including drainage, tracks, safety, sediment traps, drains, fencing. They consider the requirement and cost of consent unnecessary. Under NFL-R5 post and wire fences are permitted but the land disturbance rule unnecessarily limits these works. They consider 48 hours to return ground after fencing too restrictive and seek reinstatement of original ground levels within 1 month of work being completed.

267. Farm Manager - Wantwood Station (S105.005), Peters Farm Ltd Karen Peters (S127.005), and McLeod-Wantwood Trust/Wantwood Station (S104.005) oppose this rule and seek the whole clause is removed particularly points 3, 4, and 5 as they consider it unachievable from a fencing perspective. The rule is overly restrictive when looking at the references in the NFL Chapter 32 report which states that activities are effectively managed under the operative district plan. They seek the clause is removed or alternatively seek it is amended as follows:

Where it is needed for the construction of any road or track no greater than 7 meters in width or requiring more than 2 meters of cut or fill.

1. The depth of the earthworks shall not exceed ~~1m~~ 2m below the original surface of the ground; and
2. the ~~depth~~ height of fill or stockpiles shall not exceed ~~1m~~ 3m above the original surface of the ground; and
3. the area of the earthworks shall not exceed 100m² in any 12-month period; ~~and 4. the width of land disturbance for fencing shall not exceed 1m; and 5. the ground for fencing related land disturbance is reinstated to original levels within 48 hours of work being completed~~

Stoney Creek (FS25.098) support McLeod-Wantwood Trust/Wantwood Station's submission.

268. Trudy Bokser (S113.022), Nathan Bokser (S116.022), AW+ JA Johnston Family Trust (S118.022), Peters Farm Ltd Karen Peters (S127.058), Reaby Downs Farm Ltd (S18.024), Karen Temple (S19.024), Sarah and Peter Barclay (S20.024), Helen McIntosh (S24.024), John Baynes (S68.026), Greg Bokser (S117.022), and Stoney Creek (S3.022) oppose this rule and seek it is amended as follows to reflect the existing controls in the ODP as the s32 report stated these were effective:

Land disturbance and earthworks within an identified ONF/L

Activity status: Permitted

Where: X. Required for cultivation, fencing or pest plant management; or X. Associated with the construction of any road or track no greater than 7 metres in width or requiring more than 2 metres of cut or fill for a total distance greater than 100 metres; or X. The earthworks do not exceed 100 linear metres in any direction; and

1. The depth of the earthworks shall not exceed ~~1m~~ 2m below the original surface of the ground; and
2. the ~~depth~~ height of fill or stockpiles shall not exceed ~~1m~~ 3m above the original surface of the ground; and
3. the area of the earthworks shall not exceed 100m² in any 12 month period; ~~and 4. the width of land disturbance for fencing shall not exceed 1m; and 5. the ground for fencing related land disturbance is reinstated to original levels within 48 hours of work being completed.~~

Hamish Weir (FS5.59) support Stoney Creek's submission. Federated Farmers (FS17.053) support in part Stoney Creek's submission but consider there are further farming activities which are necessary to be included as permitted activities in this rule.

269. Federated Farmers (S126.105), John Baynes (S68.226), Ronald Crispin (S60.108), Alistair & Bernadette Hunt (S148.118), Rural Ratepayers Group (S143.117), and Kevin Robertson (S115.106) support in part this rule and seek it is amended to include additional farming activities as permitted activities and exclude land disturbance for stock exclusion as follows:

NFL-R3: Land disturbance and Earthworks within an identified ONF/L (excluding for the laying of stockwater, drainage or other utility pipes, or stock exclusion)

Activity status: Permitted Where:

1. The depth of the earthworks shall not exceed 12m below the original surface of the ground; and
2. the ~~depth~~ height of fill or stockpiles shall not exceed 13m above the original surface of the ground; and
3. the area of the earthworks shall not exceed 100m² in any 12 month period; and/or
- ~~4. the width of land disturbance for fencing shall not exceed 1m; and~~
- ~~5. the ground for fencing related land disturbance is reinstated to original levels within 48 hours of work being completed~~
4. The land disturbance and earthworks are for the removal of shingle or stone for use on the same property to maintain tracks.

Stoney Creek (FS25.099) support in part Federated Farmer's submission as alternative relief to their own submission.

Assessment

270. A number of changes have been recommended to NFL-R3 as a result of the working group discussed further within section 6.4 of this report. It is acknowledged that the notified version of the NFL chapter may have resulted in unnecessary restrictions on earthworks associated with fencing specifically, and farming related activities more generally. While I do not agree that fencing related earthworks should be excepted from management within an ONL, as referenced within Appendix C, earthworks, whether for fencing or otherwise can result in adverse landscape effects resulting in permanent effects on natural landform and shorter-term effects of visual scarring. However, it is also acknowledged that pastoral farming also makes up part of the values of the Hokonui Hills, with day-to-day farming activities contributing to those values. Based on this it is recommended a balance is reached between managing adverse effects and providing for farming activities.
271. It is recommended that the effects from earthworks on the landscape values are more accurately managed through a revised NFL-R3, as a more bespoke approach that better represents the unique nature of the Hokonui Hills, as detailed below.
272. As assessed within section 6.4 of this report, Further assessment has been undertaken of the Hokonui Hills and as a result three management overlays have been developed. These management areas create a tiered system of management particular in relation to earthworks with the Lower Sensitivity Area (LSA) where a 3m cut/fill height is recommended with an exception for fencing for a maximum of 30m within any one 100m distance, all other areas being subject to the same 3m cut/ fill height with an exceedance for fencing for a maximum of 30m within any one 150m distance and a maximum depth of cut or fill of 1m within 30m of a mapped ridgelines.
273. The reasoning for these differing levels of management is outlined within Appendix C, however in a nutshell the LSA is considered capable of absorbing greater change, being less visually sensitive than the remainder of the ONL. While at first glance these two areas appear to have similar controls with only the exemption distance differing, this is largely due to the

practical realities of a steep topographical farming area requiring higher levels of cut in order to facilitate ongoing fencing.

274. The proposed cut heights may seem higher than would typically be permitted within an ONL, as an example SDC does not provide for any cut or fill as a permitted activity within an ONL, nor does Central Otago District Council, however it is noted that some exemptions are provided for fencing and farming activities. However, considering the nature of this ONL with quite a steep topography and visually distanced from public viewing, this cut height is considered appropriate subject to the reinstatement requirement, noting that provided this reinstatement occurs the effects on landscape values can largely be mitigated. Further the restrictions along the particularly sensitive ridgelines protect the most sensitive portions of the ONL whilst still allowing for some level of fencing.
275. As outlined above a more bespoke cut depth and fill height requirement has been developed for the ONL pursuant to NFL-R3 as opposed to the district wide standard of EW-S1. This recommendation comes with the caveat that only landscape effects have been considered, it is recommended that the panel consider alignment with the district wide earthworks standards when considering geotechnical matters, noting the earthworks standards are subject to further recommendations from the s42a officer as a response to Minute 27.
276. EW-S3 has been utilised as a standard to ensure district wide consistency and management of setbacks from rivers and streams, EW-S5 is recommended to be included to ensure suitable erosion, sediment and dust control, considering these to be more of a generic earthworks management issue rather than requiring bespoke consideration. The Heritage NZ submission is acknowledged, and based on this it is recommended that EW-S7 is recommended to ensure Accidental Discovery Protocol is adhered to.
277. The original notified version of this rule required an area limit along with a maximum width for fencing. Provided the reinstatement standard is adhered to it is considered that no limit on these activities is necessary, as effects can be suitably mitigated by the reinstatement requirement. Where this reinstatement standard cannot be adhered to consent as a restricted discretionary activity will be required.

Recommendation

278. I recommend, for the reasons given above, that NFL-R3 be amended as follows:

NFL-R3 <i>Land disturbance and Earthworks within an identified ONF/L</i>		
<u>Lower Sensitivity Areas</u>	<u>Activity status: Permitted</u> <u>Where:</u> <u>The depth of the earthworks cut and/or earthworks fill shall not exceed 3m below or above the original surface of the ground, except that for fencing and tracking, this height may be exceeded for a distance of no more than 30m within any one 100m distance; and</u> <u>The area of the land disturbance and earthworks (other than associated with cultivation, fencing, tracking or a building</u>	Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: <i>Effects on the values as listed in NFL-</i>

**All zones
All other
areas**

platform) shall not exceed 100m² in any 12 month period;
and

3. Earthworks and land disturbance (other than for cultivation or farm tracks) are reinstated to blend in with the surrounding natural landform and sown in grass to achieve at least an 80% coverage by the end of the next growing season immediately following the completion of works; and
4. The works are undertaken in accordance with Earthworks Standards-EW-S3, EW-S5 and-EW-S7.

Activity status: Permitted

Where:

1. The depth of the earthworks shall not exceed 1m below the original surface of the ground; and The depth of the earthworks cut and/or earthworks fill shall not exceed 3m below/above the original surface of the ground, except that for fencing and tracking, this height may be exceeded for a distance of no more than 30m within any one 150m distance; and
2. the depth of fill shall not exceed 1m above the original surface of the ground; and The depth of earthworks cut or height of fill shall not exceed 1m within 30m of the mapped ridgelines; and
3. the area of the earthworks (excluding earthworks for cultivation, fencing, tracking or a building platform) shall not exceed 100m² in any 12 month period;
4. the width of land disturbance for fencing shall not exceed 1m; and Earthworks and land disturbance (other than for cultivation or farm tracks) are reinstated to blend in with the surrounding natural landform and sown in grass to achieve at least an 80% coverage by the end of the next growing season immediately following the completion of works; and
5. the ground for fencing related land disturbance is reinstated to original levels within 48 hours of work being completed. The works are undertaken in accordance with Earthworks Standards EW-S3, EW-S5 and EW-S7; and
6. Earthworks for new roads, farm tracks, walking and cycling tracks are not located within 30m of a mapped ridgeline area.

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5.

3. Impacts on Ngāi Tahu cultural values, including those listed in MW-2.3.
4. The extent of any earthworks or land disturbance; and
5. Whether the works are undertaken in accordance with Earthworks Standards ~~EW-S2~~, EW-S3, ~~EW-S4~~, EW-S5, ~~EW-S6~~ and EW-S7 and consideration of the matters of discretion for any infringed standard.

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

Section 32AA Evaluation

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

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The proposed changes will give effect to NFL-O3 and NFL-P3 in that a more bespoke approach which provides for farming activities whilst effectively managing adverse effects on the ONL.

Costs and benefits

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

Risk of acting or not acting

There is the potential for an unreasonable consenting burden to be placed on users of the plan, or an increase in monitoring and enforcement issues due to a reluctance to seek the required consents.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objective (NFL-O1) than the notified version of the PDP.

6.10.10 Matters raised by submitters – NFL-R4

281. NZTA (S112.074) support this rule as it permits the maintenance of critical infrastructure and a consenting pathway for works increasing in scale. They seek it is retained as notified.
282. Andrew Welsh (S79.003) and Katherine Welsh (S53.002) oppose this rule and request the maintenance of critical infrastructure to be a permitted activity. As machinery and equipment are getting bigger, tracks and lanes need to be widened for machinery and these need to be provided for.
- Yrless Limited (FS21.077) support Katherine Welsh's submission.
283. Stoney Creek (S3.023), Trudy Bokser (S113.023), Nathan Bokser (S116.023), AW+ JA Johnston Family Trust (S118.023), Peters Farm Ltd Karen Peters (S127.059), Reaby Downs Farm Ltd (S18.025), Karen Temple (S19.025), Sarah and Peter Barclay (S20.025), Helen McIntosh (S24.025), John Baynes (S68.027), and Greg Bokser (S117.023) are supportive of permitted activity status for earthworks to allow maintenance of existing facilities but consider the scope of NFL-4 too narrow and seek it is amended as follows:

Maintenance repair, replacement or upgrade of buildings and structures (excluding fences), critical infrastructure, existing roads, farm tracks, walking and cycling trails, waterway crossings, or improved pasture within an identified ONF/L

Activity status: Permitted

Where:

1. The scale of the activity critical infrastructure, road, farm or trail is not increased.

Activity status where compliance is not achieved: Restricted Discretionary

Matters of discretion:

1. Effects on the values as listed within NFL-APP Appendix 5 resulting from an increase in the scale of the activity.

2. Impacts on Ngāi Tahu cultural values, including those listed in MW2.3. 3. The operational or functional need for the activity to be undertaken within an Outstanding Natural Feature or Landscape.

284. Kevin Robertson (S115.107), Rural Ratepayers Group (S143.118), Alistair & Bernadette Hunt (S148.119), Ronald Crispin (S60.109), John Baynes (S68.227), Federated Farmers (S126.106) support the proposed permitted rule as it provides for the ongoing maintenance of existing roads, farm tracks, walking and cycle trails within an ONF/L, however amendments are proposed to provide greater clarity on what is permitted as follows:

NFL-R4 Maintenance, repair, replace or upgrade of buildings and structures (excluding farm fences) critical infrastructure, existing roads, farm tracks, walking and cycling trails, waterway crossings, or improved pasture within an identified ONF/L.

Hamish Weir (FS5.60) support Federated Farmer's submission. Stoney Creek (FS25.101) support in part Federated Farmer's submission as alternative relief to their original submission.

285. Transpower (S101.060) oppose this rule and seek it is deleted and consequently Note 1 is amended, as they consider the rule more appropriate in the Infrastructure Sub-Chapter. Yrless Limited (FS21.076) support Transpower's submission. Stoney Creek (FS25.0100) oppose Transpower's submission as they consider it would have consequences for activities other than critical infrastructure.
286. Mercury (S130.054) seeks the rule is amended to encompass all critical infrastructure to ensure that a permissive framework for critical infrastructure is not unintentionally impacted by rule wording. The justification for including a farm track is not clear unless it is serving critical infrastructure like a wind farm site or other lifeline utilities. Amendments are requested as follows:

Activity status: Permitted

Where:

Maintenance of critical infrastructure, including existing roads, farm tracks, walking and cycling trails within an identified ONF/L

1. The scale of the critical infrastructure, or road, farm or trail is not increased.

Stoney Creek (FS25.102) oppose Mercury's submission and they consider farms tracks and other infrastructure are required within the ONL.

Assessment

287. NZTAs submission in support is acknowledged.
288. The submissions from Andrew Welsh (S79.003) and Katherine Welsh (S53.002 seeking the increase in scale of critical infrastructure in the ONFL be provided for as a permitted activity is not accepted. Any increase in scale within a sensitive landscape such as a ONFL should be carefully considered. A Restricted Discretionary consenting pathway is provided for which is considered appropriate in order to appropriately assess the suitability for any increase in scale.
289. It is recommended that the NFL-R4 is amended to refer to infrastructure as opposed to critical infrastructure, to ensure that there is a clear pathway for the maintenance of existing infrastructure in general, noting this includes critical infrastructure.
290. The submissions requesting for additional wording to provide for additional activities within this provision are acknowledged and supported in intent, however it is considered these activities (maintenance of existing buildings etc) are covered through existing use rights, whereas the activities provided for in NFL-R4 may require earthworks which existing use rights do not apply to. Based on this I consider that the relief sought is already provided for and as such it is unnecessary to amend NFL-R4.
291. Transpower's submission is acknowledged, however it is considered appropriate for the maintenance of infrastructure within ONF/Ls to be provided for within the NFL Chapter. I do acknowledge that this rule can sit in either chapter, as per the direction of the National Planning Standards, however I consider there is limited benefit to moving this rule into the INFR Chapter, as the rule which also relates to roads, farm track and recreational trails would then be required to be split. Given the recommended amendments to the INFR Chapter to cross reference to the NFL Chapter I believe this provides sufficient clarity to plan users.
292. Mercury's submission is acknowledged however this rule does not manage only infrastructure, the ability to maintain existing roads, farm tracks, walking and cycling trails is important and should be provide for as a permitted activity. Based on this, I recommend this submission be rejected.
293. Stoney Creek Station Limited submission is acknowledged, through the amendments made through the working group are considered to give relief to the intent of this submission through other provisions within this chapter.

Recommendation

294. I recommend, for the reasons given above, that NFL-R4 is amended as follows:

NFL-R4 Maintenance of <i>critical</i> infrastructure, existing roads, farm tracks, walking and cycling trails within an identified ONF/L		
All ~~zones~~ <u>areas</u>	Activity status: Permitted Where: The scale of the <i>critical</i> infrastructure, road, farm <u>track</u> or trail is not increased.	Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: <i>Effects</i> on the values as listed within NFL-APP Appendix 5. - Impacts on Ngāi Tahu cultural values, including those listed in MW-2.3.

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

Section 32AA Evaluation

296. The following evaluates the recommendation to amend NFL-R4 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

Costs and benefits

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

Risk of acting or not acting

There is the potential for the maintenance of infrastructure more generally to not be provided for if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objective (NFL-O1) than the notified version of the PDP.

6.10.11 Matters raised by submitters – NFL-R5

297. Farm Manager - Wantwood Station (\$105.006), Peters Farm Ltd Karen Peters (\$127.006), and McLeod-Wantwood Trust/Wantwood Station (\$104.006) oppose this rule as farm fencing is required for health and safety and stock management. Unless native bush is being removed,

normal farm fencing including earthworks and land disturbance (if required) should be permitted. They seek it is amended to include farm fencing as a permitted activity as follows:

Fences within an identified ONF/L

Activity status: Permitted

Where:

1. The fence is required for the exclusion or control of stock or to mark property boundaries. ~~a post and wire fence;~~ ———

Note: fences are a structure and therefore subject to the river setback rules

Stoney Creek (FS25.103) support McLeod-Wantwood Trust/Wantwood Station's submission.

298. Trudy Bokser (S113.024), Nathan Bokser (S116.024), AW+ JA Johnston Family Trust (S118.024), Peters Farm Ltd Karen Peters (S127.060), Reaby Downs Farm Ltd (S18.026), Karen Temple (S19.026), Sarah and Peter Barclay (S20.026), Helen McIntosh (S24.026), John Baynes (S68.028), Greg Bokser (S117.024), and Stoney Creek (S3.024) are supportive of the inclusion of a permitted activity status for fences within the ONL, but questions why only post and wire fences are permitted. Fences are not visually dominant structures and are required for good animal husbandry, health and safety and stock management and are overly restricted within ONLs. They seek the rule is amended as follows:

Fences within an identified ONF/L

Activity status: Permitted

Where:

1. The fence is required for the exclusion or control of stock or to delineate property boundaries. ~~a post and wire fence;~~

Note: fences are a structure and therefore subject to the river setback rules ~~Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: 1. Effects on the values as listed within NFL APP Appendix 5.2. Impacts on Ngāi Tahu cultural values, including those listed in MW2.3.~~

Heritage NZ (FS11.039) oppose Stoney Creek's submission as earthworks and ground disturbance have the ability to uncover archaeology.

299. Kevin Robertson (S115.108), Rural Ratepayers Group (S143.119), Alistair & Bernadette Hunt (S148.120), Ronald Crispin (S60.110), John Baynes (S68.228), and Federated Farmers (S126.107) support in part this rule as fencing is important for keeping stock or pests out of native bush and waterways, therefore provides a positive effect. They are unsure why the Council would limit the fencing type to only post and wire, while other types of fencing, such as post and rail or waratah fencing, require a resource consent as currently drafted. Farmers should not have to apply for a resource consent where fencing is for the purposes of keeping out stock or pests. They seek the rule is amended as follows:

Activity status: Permitted

Where:

1. The fence is a farm fence

~~Note: fences are a structure and therefore subject to the river setback rules.~~

~~Activity Status where compliance is not achieved: Restricted discretionary~~

~~Matters of discretion:~~

- ~~1. Effects on the values listed within NFL APP Appendix 5.~~
- ~~2. Impacts on Ngāi Tahu cultural values, including those listed in MW – 2.3.~~

Stoney Creek (FS25.104) support in part Federated Farmers' submission as alternative relief to that in their original submission.

Assessment

300. The submissions requesting more permissibility and a greater variety of fencing types are acknowledged. This rule was drafted to purposely include all post and rail type fencing, including deer fencing, mesh and waratahs, however this intent clearly requires further clarification to make this evident. Post and rail had been purposely omitted due to the potential for this to result in greater visual dissection of the landscape, however it is acknowledged that post and rail fencing is sometimes required for stability near gates and for stockyards.
301. The specific relief requested by the majority of submitters, either that the term farm fencing, or describing instances that fencing is utilised for is not supported, however through the proposed revisions through the working group I consider that the amended recommendation provides for the intent of the relief sought.
302. Heritage NZs submission is acknowledged, it is considered that the recommendation within NFL-R3, and more specifically the requirement to adhere to EW-S7 provides for the relief sought.
303. Mr Moore's assessment confirms that the proposed amendments to the rule should provide for practicality with no adverse landscape effects of significance. The fencing provided for is visually permeable, with low adverse landscape effects, and I accept his advice.

Recommendation

304. I recommend, for the reasons given above, that NFL-R5 is amended as follows:

NFL-R5 Fences within an identified ONF/L			
All ~~zones~~ <u>areas</u>	Activity status: Permitted	Activity	status
	Where:	where compliance is not achieved:	
	1. The fence is a post and wire fence; <u>including deer fencing, waratahs and mesh fencing; or</u>	Restricted Discretionary	
		Matters of discretion:	

2. The fence is post and rail provided the distance does not exceed 6m either side of a gate for reinforcing purposes; or
3. In the Lower Sensitivity Area the fence is for stockyards.

Note: fences are a structure and therefore subject to the river setback rules

1. *Effects* on the values as listed within NFL-APP Appendix 5.
2. Impacts on Ngāi Tahu cultural values, including those listed in MW-2.3.

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

Section 32AA Evaluation

306. The following evaluates the recommendation to amend NFL-R5 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The amendments provide for clarification of the type of fencing to be provided for, along with some exceptions relating to post and rail and stockyards.

Costs and benefits

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

Risk of acting or not acting

There is the potential for confusion over which type of fencing is provided for if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objective (NFL-O1) than the notified version of the PDP.

6.10.12 Matters raised by submitters – NFL-R6 (Indigenous Vegetation Clearance)

307. Due to a drafting error the notified version of NFL-R6 is repeated, first for “*Indigenous Vegetation Clearance within an identified ONF/L*” and then a separate rule also referred to as NFL-R6 - “*New roads, farm tracks, walking and cycling tracks within an identified ONFL*”

308. NZTA (S112.071) request a correction to rule numbering as duplicated 'NFL-R6' and any consequential changes to other provisions as necessary to ensure the correct rule is referenced within them. Stoney Creek (FS25.106) support this submission and the correction of the rule wording.

NFL-R6 Indigenous Vegetation Clearance within an identified ONF/L:

309. Katherine Welsh (S53.003) and Andrew Welsh (S79.004) oppose in part this rule as protection of indigenous vegetation is important, however small amounts of collateral should be allowed to control gorse as gorse will grow faster and smother native plants eventually. Some indigenous plants can cause harm to people and animals if they take over and farmers should have the right to maintain these plants to ensure the safety of stock and staff. They request caution with provision to allow control of gorse, broom and noxious weeds, irrespective of whether there are indigenous plants nearby and ensure that control of noxious weeds are still a permitted activity.
310. Stoney Creek (S3.025), Trudy Bokser (S113.025), Nathan Bokser (S116.025), AW+ JA Johnston Family Trust (S118.025), Peters Farm Ltd Karen Peters (S127.061), Reaby Downs Farm Ltd (S18.027), Karen Temple (S19.027), Sarah and Peter Barclay (S20.027), Helen McIntosh (S24.027), John Baynes (S68.029), Greg Bokser (S117.025) oppose this rule and seek it is deleted in its entirety as it duplicates ECO-R1(1) and creates confusion.
311. Kevin Robertson (S115.109), Rural Ratepayers Group (S143.120), Alistair & Bernadette Hunt (S148.121), Ronald Crispin (S60.111), John Baynes (S68.229), and Federated Farmers (S126.108) oppose this rule and seek it is deleted as it duplicates ECO-R1. Hamish Weir (FS5.64) supports Federated Farmer's submission. Stoney Creek (FS25.108) support Federated Farmer's submission as they support the deletion of NFL-R5 in relation to indigenous biodiversity removal.
312. McLeod-Wantwood Trust/Wantwood Station (S104.007), Farm Manager - Wantwood Station (S105.007), and Peters Farm Ltd Karen Peters (S127.007) oppose this rule and seek it is deleted completely as they consider fences are required in many situations not just national regulations of stock exclusion and the rule duplicates ECO-R1(1). Yrless Limited (FS21.078) support in part McLeod-Wantwood Trust/Wantwood Station's submission as they consider fencing is required to protect infrastructure from stock, create an exclusion zone, and aid in pest control and management.
313. Nigel Cowburn (S152.009) support in part this rule and requests provision for removal of trees with a large DBH of 200mm as a non-complying activity, unless covered by NFL R6.2, as this represents major canopy loss and attendant effects on catchment hydrology. Stoney Creek (FS25.107) oppose this submission and do not support a non-complying activity status for vegetation removal.

Assessment

314. The submissions requesting the NFL-R6 be deleted due to duplication with the ECO chapter is acknowledged, and it is agreed the provisions as notified do provide for unnecessary duplication and could result in confusion. However, vegetation clearance has the potential

to result in adverse landscape effects separate to any direct biodiversity effects that will be considered under the ECO chapter. As outlined within Appendix C small levels of indigenous vegetation clearance, aligning with the ECO chapter, set appropriate controls to ensure landscape values such as naturalness and landscape coherence are not adversely impacted.

315. Through the working group process Mike Moore had the opportunity to undertake more in-depth site visits throughout the Hokonui Hills and as outlined within Appendix C, considers the proposed settings within ECO R1 and ECO R2 to be fit for purpose in terms of landscape protection from indigenous vegetation clearance. Based on this it was considered unnecessary to have a bespoke indigenous vegetation clearance provision within the NFL Chapter, and instead provide for a cross reference to the ECO Chapter. The reason NFL-R6 cross references through to the ECO Chapter, rather than deleting NFL-R6 and relying on the ECO chapter is the ability to provide for matters of discretion tailored to the NFL-Chapter, specifically consideration of the NFL-APP Appendix 5.
316. The submissions raising concerns about the control of gorse broom and noxious weeds is acknowledged and it is agreed that these activities need further consideration. While weed species do have the ability to result in adverse landscape effects, this is also a district wide issue. The cross referencing through to the ECO chapter enables this matter to be dealt with at the same time, specifically within the ECO chapter.
317. Nigel Cowburn's submission is acknowledged, however as the diameter of trees is not a specific landscape concern, it is recommended that any specific consideration for clearance of a specific size of trees is addressed within the ECO chapter.

Recommendation

318. I recommend, for the reasons given above, that NFL-R6 (Indigenous Vegetation Clearance) be amended as follows:

NFL-R6	<i>Indigenous Vegetation Clearance within an identified ONF/L</i>	
All ~~zones~~ areas	Activity status: Permitted Where: 1. The clearance is within the ~~Hokonui Hills~~ ONL; and 2. The clearance is necessary for a permitted, consented or otherwise legally established activity; and 3. <u>The clearance complies with ECO-R1 and R2.</u> ~~4. Clearance does not exceed 20m² over a 12 month period; or~~ ~~5. The clearance is for the construction of a fence associated with stock exclusion under national regulations or regional rules.~~	Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: 1. Effects on the values as listed within NFL-APP Appendix 5. 2. Impacts on Ngāi Tahu cultural values, including those

Section 32AA Evaluation

319. The following evaluates the recommendation to amend NFL-R6 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The amendments to NFL-R6 in relation to indigenous biodiversity provide for consistency with the ECO chapter, whilst allowing for assessment against Appendix 5

Costs and benefits

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

Risk of acting or not acting

There is the potential for double handling of clearance requirements if the proposed amendment is not made.

Conclusion as to the most appropriate option

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

6.10.13 Matters raised by submitters – NFL-R6 (New Roads... cycling tracks)

New roads, farm tracks, walking and cycling tracks within an identified ONF/L:

320. Farm Manager - Wantwood Station (S105.008), Peters Farm Ltd Karen Peters (S127.008), and McLeod-Wantwood Trust/Wantwood Station (S104.008) oppose this rule and seek it is amended as follows:

New Roads, ~~farm tracks~~, walking and cycling tracks within an identified ONF/L.

All zones Activity status: Restricted Discretionary

New farm tracks within the Rural Zone. Activity Status: Permitted

Stoney Creek (FS25.105) support in part McLeod-Wantwood Trust/Wantwood Station's submission as alternative relief to that proposed in their submission.

321. Trudy Bokser (S113.027), Nathan Bokser (S116.027), AW+ JA Johnston Family Trust (S118.027), Peters Farm Ltd Karen Peters (S127.063), Reaby Downs Farm Ltd (S18.029), Karen

Temple (S19.029), Sarah and Peter Barclay (S20.029), Helen McIntosh (S24.029), John Baynes (S68.031), Greg Bokser (S117.027), and Stoney Creek (S3.027) oppose this rule as farm tracks are essential to pastoral farming and new tracks are sometimes required to avoid sensitive environments. Requiring consent for any new farm track is too restrictive to farming operations and seek it is amended as follows:

New Roads, farm tracks greater than 7 metres in width, walking and cycling tracks within an identified ONF/L

Activity status: Restricted Discretionary

Matters of Discretion:

1. Effects on the values as listed within NFL-APP Appendix 5.
2. Impacts on Ngāi Tahu cultural values, including those listed in MW-2.3. ~~3. The necessity of what is proposed and any alternatives.~~
4. Mitigation measures proposed.
5. The operational or functional need for the activity to be undertaken within an Outstanding Natural Feature or Landscape
6. The benefits of the proposed activity

322. Hamish Weir (FS5.63) and Federated Farmers (FS17.054) support Stoney Creek's submission.

Heritage NZ (FS11.040) oppose Stoney Creek's submission as they consider that earthworks and land disturbance, including that for fencing, can encounter archaeology.

323. NZTA (S112.075) support in part this rule, however, for clarity and consistency with the activities listed in NFL-R4, we recommend that the term 'critical infrastructure' should also be added to the rule heading. This would give more certainty that state highways and other critical infrastructure are provided for in ONF and ONL. They seek the rule heading is amended as follows, or to wording of the same intent:

New critical infrastructure, New Roads, farm tracks, walking and cycling tracks within an identified ONF/L

Contact Energy (FS24.049) support NZTA's submission as this ensures consistency with other provisions of the chapter including NFL-R4 and gives more certainty to critical infrastructure.

324. Federated Farmers (S126.109), John Baynes (S68.230), Ronald Crispin (S60.112), Alistair & Bernadette Hunt (S148.122), Rural Ratepayers Group (S143.121), Kevin Robertson (S115.110), seek the numbering for this rule is amended to NFL-R7 and for farm fences and roads/farm tracks to be a permitted activity as new roads and tracks may be required due to extreme weather and health and safety reasons as follows:

NFL-R67: New Roads, farm fences, farm tracks, walking and cycling tracks within an identified ONF/L

Activity status: ~~Restricted Discretionary~~ Permitted

~~Matters of discretion:~~

- ~~1. Effects on the values as listed within NFL-APP Appendix 5.~~

- ~~2. Impacts on Ngāi Tahu cultural values, including those listed in MW-2.3.~~
- ~~3. The necessity of what is proposed and any alternatives.~~
- ~~4. Mitigation measures proposed.~~

325. Hamish Weir (FS5.65) supports Federated Farmers' submission. Stoney Creek (FS25.109) support in part Federated Farmers' submission as alternative relief to that proposed in their own submission.

Assessment

326. The submissions seeking an amendment to NFL-R6 (New roads, farm tracks, walking and cycling trails) to provide greater permissibility for farm tracks are acknowledged and supported in intent. Through the working group process and upon further reflection it is recommended to delete this provision, as the effects from new roads, farm tracks, walking and cycling tracks from a landscape perspective relate to the associated earthworks. These can be more appropriately managed through NFL-R3.
327. This amendment is considered to give effect to the intent of the submissions greater flexibility and permissibility for farm tracks. Heritage NZs submission is acknowledged, and it is considered that NFL-R3, EW-S7 gives relief to the concerns raised.
328. NZTAs submission requesting the addition of "new critical infrastructure" is not supported. The management of new critical infrastructure is provided through the infrastructure chapter.
329. NZTAs submission and further submission from Stoney Creek pointing out the numbering error is acknowledged and supported. As a consequence of the recommended deletion of NFL-R6 (New roads etc) this relief is provided for.

Recommendation

330. I recommend, for the reasons given above, that NFL-R6 (New roads, farm tracks, walking and cycling tracks) be deleted.
331. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

332. The following evaluates the recommendation to delete NFL-R6 under section 32AA of the RMA.

Effectiveness and efficiency

The deletion of NFL-R6 (New roads, farm tracks etc) efficiently provides for the effects of these activities to be managed within NFL-R3.

Costs and benefits

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

Risk of acting or not acting

There is the potential for double handling of clearance requirements if the proposed amendment is not made.

Conclusion as to the most appropriate option

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

6.10.14 Matters raised by submitters – NFL-R7

333. Federated Farmers (S126.110), Kevin Robertson (S115.111), Rural Ratepayers Group (S143.122), Alistair & Bernadette Hunt (S148.123), Ronald Crispin (S60.113), and John Baynes (S68.231) oppose the rule and seek that mineral extraction activities, other than quarries, shall be discretionary activities except in specific ONLs where mineral extraction is not compatible with maintaining outstanding landscape values as follows:

Mining and Quarrying within an identified ONF/L Activity status: ~~Non-complying~~
Discretionary Activity status where compliance is not achieved: N/A

334. Farm Manager - Wantwood Station (S105.009), Peters Farm Ltd Karen Peters (S127.009), and McLeod-Wantwood Trust/Wantwood Station (S104.009) oppose the rule as the difference between the extraction for commercial use or use outside the farm as opposed to on farm use (which should be allowed in any farming situation) needs to be stated in the rule. The definition of farm quarrying in the interpretation section needs to be allowed under an ONL as well. They seek it is amended as follows:

Mining and quarrying (excluding farm quarries) within an identified ONF/L

Activity Status: Non complying.

Stoney Creek (FS25.110) support McLeod-Wantwood Trust/Wantwood Station's submission.

335. Trudy Bokser (S113.028), Nathan Bokser (S116.028), AW+ JA Johnston Family Trust (S118.028), Peters Farm Ltd Karen Peters (S127.064), Reaby Downs Farm Ltd (S18.030), Karen Temple (S19.030), Sarah and Peter Barclay (S20.030), Helen McIntosh (S24.030), John Baynes (S68.032), Greg Bokser (S117.028), and Stoney Creek (S3.028) oppose this rule and seek it is amended to distinguish between extraction of material for use outside of the property from where it was taken and farm quarries as follows:

NFL-R7 Mining and Quarrying (excluding farm quarries) within an identified ONF/L

Activity Status: Non-Complying

Heritage NZ (FS11.041) oppose Stoney Creek's submission as earthworks and land disturbance may encounter archaeology.

336. DOC (S109.082) support the rule and the non-complying activity status for mining, quarrying, and plantation forestry within an identified ONF/L. Stoney Creek (FS25.093) oppose this submission as they consider the values identified in Appendix 5 sufficient as these include indigenous biodiversity values where appropriate. The proposed wording is a duplication of the Ecosystems and Indigenous Biodiversity chapter where these values may not be relevant to the proposed activity or ONL.

Assessment

337. A number of submissions seek for greater flexibility for farm quarries to distinguish between materials utilised on the property from which it was taken and more commercial scale quarries.
338. Through the working group process further scrutiny of the scale and likely locations needed for farm quarry were considered. As outlined within Appendix C, it was considered that broad alignment with the rural zone within the LSA could be appropriate, with the caveat that the activity was not visible from a formed public road or other public viewpoint. A non-complying activity within all other areas of the ONFL is still proposed. The amendment has been proposed as in essence a new rule replacing NFL-R7 with Mining and Quarrying generally mainlining a non-complying activity status as NFL-R8.
339. This proposed amendment should provide for sufficient flexibility for farming operations, whilst ensuring that landscape values are protected, specifically be the constrained locations provided for and the rehabilitation requirements upon completion.
340. A number of submitters seek for mining and quarrying within an identified ONFL to be a discretionary activity rather than non-complying. This relief is not supported, these activities are considered to be incompatible with the values and characteristics with the ONFL and should be avoided.
341. DOC and Heritage NZ submissions are acknowledged, and it is hoped that the revised provision for farm quarries still gives effect to their relief, whilst maintaining a non-complying activity status for mining and generic quarrying.

Recommendation

342. I recommend, for the reasons given above, that NFL-R7 is amended as follows:

NFL-R7 ~~Mining and Farm Quarrying~~ within an identified ONF/L		
<u>Lower Sensitivity Areas</u>	<u>Activity status: Permitted</u> <u>Where:</u> <u>the total area of extraction open at any one time does not exceed 1,500 m²; and</u> <u>the activity is set back 100m from any side or rear boundary; and</u>	<u>Activity status where compliance is not achieved: Restricted Discretionary</u> <u>Matters of discretion:</u>

	3. <u>the activity is not visible from a formed public road or other public viewpoint; and</u> 4. <u>The area is progressively stabilised, filled or recontoured when exhausted of material.</u>	<u>1. Effects on the values as listed within NFL-APP Appendix 5.</u> <u>2. Impacts on Ngāi Tahu cultural values, including those listed in MW-2.3.</u> <u>3. The necessity of what is proposed and any alternatives.</u> <u>4. Mitigation measures proposed.</u>
<u>All other areas</u>	Activity status: Non-complying	Activity status where compliance is not achieved: N/A

And that NFL-R8 is “introduced” noting this is the original NFL-R7:

<u>NFL-R8</u>	<u>Mining and Quarrying within an identified ONF/L</u>	
<u>All areas</u>	Activity status: Non-complying	Activity status where compliance is not achieved: N/A

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

Section 32AA Evaluation

344. The following evaluates the recommendation to amend NFL-R7 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. Effectively managing the landscape values and characteristics of the ONFL, whilst providing for more enabling provisions within the LSA area.

Costs and benefits

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

Risk of acting or not acting

There is the potential for unnecessary resource consents if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objective (NFL-O1) than the notified version of the PDP.

6.10.15 Matters raised by submitters – NFL-R8

- 345. Andrew Welsh (S79.005) and Katherine Welsh (S53.004) oppose the rule and seek the section is removed as they consider those who have forestry in place have the right to replant it after harvest. Those who have a rolling plantation plan in place should not be forced to stop and the prohibition of forestry planting will negatively affect land prices.
- 346. ES (S85.039) support the rule and seek the retention of the non-complying status for plantation forestry. Hamish Weir (FS5.66) supports this submission.
- 347. DOC (S109.083) support the rule and seek it is retained as notified as they support the non-complying activity status for mining, quarrying, and plantation forestry within an identified ONF/L. Stoney Creek (FS25.111) oppose this submission as they consider there are instances where quarrying (e.g. farm quarries) are essential to support existing activities in the ONL.

Assessment

- 348. As outlined within Appendix C, Mr Moore considered that plantation forestry as a land use typically results in significant adverse effects on the qualities of naturalness, land form legibility and landscape coherence. Based on this advice plantation forestry within the ONFL is an activity that I consider to be incompatible with the values and characteristics of the ONFL, and a non-comply activity status is recommended. If existing use rights apply those rights will not be impacted by the proposed rule. It is however considered appropriate to consider woodlots as separate to plantation forestry. A new rule has been proposed through the working group process to provide for Woodlots within the LSA, as restricted discretionary activities, with a non-complying activity status for all other areas. The rationale behind this, as referenced within Appendix C, was to provide for woodlots of an appropriate scale and design within the LSA, to reflect the working rural character of this portion of the ONL, whilst protecting the ONFL from adverse landscape effects.
- 349. Support for the rule as notified is acknowledged from ES, Hamish Weir and DOC, and with the exception of a consequential numbering change no changes to the notified version are proposed.

Recommendation

- 350. I recommend, for the reasons given above, that NFL- R8 is renamed as NFL-R9, but otherwise is unchanged from the notified version.

351. I further recommend the introduction of a new NFL provision to provide for woodlots as a Restricted Discretionary Activity, specifically the following:

NFL-R10	<u>Woodlots within an identified ONF/L</u>	
<u>Lower Sensitivity Areas</u>	<u>Activity status:</u> Restricted Discretionary <u>Matters of discretion:</u> <u>1. Effects on the values as listed within NFL-APP Appendix 5.</u> <u>2. Impacts on Ngāi Tahu cultural values, including those listed in MW-2.3.</u> <u>3. The necessity of what is proposed and any alternatives.</u> <u>4. Mitigation measures proposed.</u>	Activity status where compliance is not achieved: N/A
<u>All other areas</u>	<u>Activity status:</u> Non-complying	

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

Section 32AA Evaluation

353. The following evaluates the recommendation to re number NFL-R8 to NFL-R9 and to introduce a new rule for Woodlots (NFL-R10) under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The maintained plantation forestry rule provides for effective and efficient management of the landscape values, and the addition of a woodlot provision provides for more enabling farm based provisions whilst still protecting the landscape values of the ONFL

Costs and benefits

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

Risk of acting or not acting

There is the potential for woodlots to not be appropriately provided for if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objective (NFL-O1) than the notified version of the PDP.

7. Consequential and Minor Amendments

354. Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors.
355. Clause 10(2)b of the RMA allows decisions on the PDP to include matters relating to consequential alterations to the PDP which are necessary, relevant or arising from submissions. The following are recommended consequential amendments to the PDP based on previous Section 42A report recommendations.
356. The Section 42 Introduction, General Provisions and Strategic Direction Report considered and assessed a submission point from Southland Federated Farmers (s126.181), Kevin Robertson (s115.182), Ronald Crispin (s60.184), Rural Ratepayers Group (s143.193), Alastair and Bernadette Hunt (148.194) and John Baynes (s68.302) to amend the wording of “wellbeing” to “well-being” to be consistent with the manner in which the word is expressed in Section 5 of the RMA. The recommendation in the report was to accept the submission point and throughout the PDP amend “wellbeing” to “well-being”. This requires some consequential minor amendments to the NFL Chapter. These amendments are reflected in **Appendix A**.
357. As a consequence of the working group and recommended changes to the provisions within the NFL Chapter, incorporate the mapping changes that provide for spatially identified landscape management as shown within Appendix E. Specifically:
- Lower Sensitivity Area (LSA): areas within the ONL that have lower sensitivity to change due to lower visibility from public places and relatively more modified character.
 - Mapped Ridgelines: ridgelines have particularly high sensitivity to change, as major strike ridge geomorphological features and mainly have relatively high visibility from public places and areas surrounding the ONL
 - All other Areas: This refers to the ONL generally, unless the LSA provisions apply take precedent.

In addition a new policy is recommended as a consequential change of the amended management of the Hokonui Hills ONL, specifically :

NFL-P5 Enable existing land use patterns within the Hokonui Hills, whilst protecting the landscape values and reflecting the landscape characteristics described within Appendix 5, through location specific management of the nature and scale of works, land use and development.

358. Remove reference to the High Natural Character Feature (HNCF) throughout the plan.

359. Change the matters of discretion reference to natural character in the zone chapter, stream setback standards (for example LLRZ-S7) from Appendix 5 to Appendix 6 across the PDP as necessary, including all rules identified in table 1 natural character chapter S32AA report.

8. Conclusions and Closing Recommendation

8.1 Conclusions

360. This report has provided an assessment of submissions received on the NFL Chapter and the NATC Chapter and associated definitions and mapping of the PDP.
361. A large volume of submissions sought more permissive provisions for farming activities within the Hokonui Hills to reflect existing land use patterns. Submissions with support from Minute18 from the hearings panel sought the introduction of a Natural Character Chapter with consequential amendments throughout the PDP.
362. I consider that the submissions on the NFL and NATC Chapters and associated definitions and mapping assessed in this report be accepted, accepted in part, rejected or rejected in part, as set out in my recommendations in this report including Appendix B.
363. Overall, I recommend that the provisions are amended as shown in Appendix A for the reasons set out in this report. The main changes recommended include:
- A Natural Character Chapter
 - Location specific management within the Hokonui Hills ONL, with provisions reflecting the landscape characteristics of these locations.
 - Minor changes to policies to reflect national legislation such as the NPS-ET
364. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of the PDP and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken throughout this report.

8.2 Closing Recommendation

365. The Hearing Panel accept, accept in part, or reject all submissions (and associated further submissions) as outlined in **Appendix B** of this report.

Signed:

Name and Title	Signature	Date
Mishka Banhidi Consultant Planner		19 December 2024

