

**BEFORE THE HEARINGS PANEL
FOR THE PROPOSED GORE DISTRICT PLAN**

In the matter of the Resource Management Act 1991

AND

**In the Matter GORE DISTRICT PLAN REVIEW – HEARING STREAM 4B-
RESIDENTIAL ZONES**

**STATEMENT OF EVIDENCE OF CHRISTINE MCMILLAN
ON BEHALF OF CHARLTON RISE LIMITED**

PLANNER

5th AUGUST LIMITED

Introduction

1. My name is Christine Elizabeth McMillan. I am a planner employed by Bonisch Consultants, a consultancy firm specialising in land development, and I operate out of the Invercargill office.
2. I hold a Bachelor of Arts (1999) and a Master of Planning (2008) from Otago University. I am a full member of the New Zealand Planning Institute.
3. I have over 17 years of planning experience. My role at Bonisch Consultants includes the preparation of resource consent and private plan change applications as well as resource management advice to clients.

Code of Conduct for Expert Witnesses

4. I confirm that I am familiar with the Code of Conduct for Expert Witnesses (Environment Court Practice Note 2023) and although I note this is a Council hearing, I agree to comply with this code. The evidence I will present is within my area of expertise, except where I state that I am relying on information provided by another party. I have not knowingly omitted facts or information that might alter or detract from opinions I express.

Scope of evidence

5. The scope of this evidence relates to Medium Density Residential Zone and Gore West Residential Development Area as set out in the submissions of Charlton Rise Limited on the Proposed District Plan.
6. I have read and am familiar with the following documents:
 - a. The relevant chapters of the Proposed Gore District Plan
 - b. The s32 Evaluation Report – Residential Zones
 - c. The Council's s42 report prepared by the Ms Skuse
 - d. Relevant submissions and further submissions
7. I am familiar with the site and the surrounding area.

Summary

8. I consider the amended provisions as set out in the s42a report address the submission points raised by Charlton Rise Limited in relation to the Medium Density Residential Zone and the West Gore Residential Development Area.
9. In response to the submission from Environment Southland (ES) and subsequent discussions between Charlton Rise Limited and ES, additional provisions are suggested to address the concerns of ES in relation to the mining hazard.

Charlton Rise Submission on West Gore Residential Development Area

10. Charlton Rise Limited generally supported the provisions as set out in the Proposed District Plan for the West Gore Residential Development Area. Charlton Rise submitted in support in part of two provisions and oppose in part of one provision as follows:
11. DEV2-P4 is a stormwater management policy which included 'efficient and sustainable' as part of the policy wording and required low impact design principles. Charlton Rise's subdivision was that use of 'efficient and sustainable' was problematic to measure in policy assessments and the requirement to use low impact design principles was not always practicable. Revised wording for this policy was suggested.
12. The s42a report notes that the suggested re-wording does not change the intent of the policy and accepted the change to Policy DEV2-P4. Charlton Rise considers their concerns to be met in relation to this policy.
13. Charlton Rise submitted in opposition in part on DEV2-R1 stating that the rule required clarification due to the use of 'undeveloped' without any explanation of how that was defined. Within the s42a report the officer has added notes to DEV2-R1 by way of an explanation of 'undeveloped' and has added Rule DEV2-R1(2) to the rule providing for primary production where the land 'is a balance lot resulting from subdivision'. Charlton Rise considers that the amendments to the rule and the notes are sufficient to meet their concerns in relation to this rule.
14. Charlton Rise submitted in support in part of DEV-R2 with the concern that the use of AND between the two parts of the rule would not allow buildings to be constructed on the land unless a subdivision or land use consent had been obtained. The explanation provided within the s42a report by Ms Skuse has resolved this concern and no changes to this rule are now requested.

Further submissions – Gore West Residential Development Area

15. ES provided several submissions in opposition to the West Gore Residential Development Area, seeking to prevent any development of this area and the removal of Development Area 2 from the Gore District Plan until detailed investigations have been undertaken.
16. Charlton Rise oppose these submissions for the following reasons:
17. Hazard Areas 1 and 2 were informed by geotechnical investigations undertaken over the site Policies DEV2-P3 and DEV2-P5 each require further investigation to be undertaken, the hazard to be remediated or mitigated prior to development being undertaken. Buildings are also required to be sited to avoid the identified hazard.
18. Development Area 2 is not wholly identified as being subject to risk from the historic mining hazard. The areas at potential risk have been identified and shown on the Outline Development Plan (ODP), while the remainder of the site, being a substantial area of land adjoining the existing Gore urban area is not identified as being at risk from the mining hazard. The

suggestion from ES that all development should be prevented in the Gore West Residential Development Area is inappropriate.

19. ES submitted that the activity status for Rule DEV2-R2 should be amended to non-complying as a result of the historic mining hazard. As above ES have made no differentiation between the areas identified through investigation as being subject to historic mining activity and the eastern part of the development area. The submission that all development within the areas free of mining hazard should be non-complying is inappropriate. I further note that development in the Hazard 1 areas is controlled by a requirement for further investigations to determine hazard risk, and the avoid, remedy or mitigate this risk. Where this is not possible, development is also not possible.
20. Charlton Rise suggested adding a provision to Objective DEV2-01 as follows: *8. Adverse effects of historic mining hazards are avoided, remedied or mitigated*. This addition is supported in the s42a report.
21. Following receipt of the submissions from Environment Southland, Charlton Rise Limited arranged a meeting to discuss the concerns relating to the historic mining hazard. As a result of that meeting, Charlton Rise prepared the following suggested amendments to the Gore West Development Area provisions:
22. New Policy:
DEV2-P6 Avoid land use within sites that are identified as Hazard Area 1 and Hazard Area 2 until further investigations have been completed in the mapped area to determine that either:
 1. there is no risk from historic mining activity or
 2. that any identified risk can be managed to mitigate risk from the historic mining activity to people or property.

Additions to rule DEV2-R2 – New buildings, structures, earthworks and land disturbance:

Rural Lifestyle zone within Hazard Area 1

4a The site is not identified as being at risk from historic mining hazards or the risk has been mitigated.

General Residential Zone and Large Lot Residential Zone GRZ within Hazard Area 2

6a The site is not identified as being at risk from historic mining hazards or the risk has been mitigated

Additions to matters for discretion in Rule DEV2-R2(3)

14a The site is not identified as being at risk from historic mining hazards or the risk is able to be mitigated

Additions to matters for discretion in Rule DEV2-R2(5)

13a. The site is not identified as being at risk from historic mining hazards or the risk is able to be mitigated; and

23. The above amended provisions have been provided to both Gore District Council and ES for consideration. The amended provisions are considered to provide clear direction within the rule framework to ensure that landowners and developers understand the potential

constraints on development within the Hazard 1 and 2 areas whilst ensuring that there is a pathway for development where the risk can be avoided, remedied or mitigated.

Medium Density Residential Zone

24. Charlton Rise submitted on Policy MRZ-P2 Enable density in line with the standard where they are located within easy walking distance of employment centres, amenities and transport routes.
25. Charlton Rise's concern with this policy was that the zone will be created prior to employment centres, amenities and transport routes in easy walking distance, and these activities may only locate in these areas once there is sufficient population base to support them. Charlton Rise sought either the deletion of the policy, or an amendment to 'enable density in line with the standard', removing the remainder of the policy or thirdly replacing 'and' with 'or'. The replacement of 'and' with 'or' is considered enabling of development if only one of the criteria is met. The Council officer agreed with the suggestion to replace 'and' with 'or' so that the policy now reads: *Enable density in line with the standard where they are located within easy walking distance of employment centres, amenities or transport routes.*
26. With this amendment the concerns of Charlton Rise in relation to the provisions of the Medium Density Residential Zone are resolved.

Conclusion

27. Charlton Rise Limited consider the proposed amendments to the Gore West Residential Development Area and the Medium Density Residential Zone as set out in the s42a report to resolve the matters raised in their submissions.
28. Charlton Rise promote the suggested amendments to Policy DEV2-P6 and Rule DEV2-R2 as a means of ensuring the necessary assessments are undertaken to determine areas at risk of from the historic mining hazard whilst allowing development where the hazard is able to be avoided, remedied or mitigated.

Christine McMillan



Bonisch Consultants

Date: 5th August 2024