

IN THE MATTER AND IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of Hearing of Submissions and Further
Submissions on the Proposed Gore
District Plan

Minute 39 of the Hearings Panel

NATURAL FEATURES AND LANDSCAPES CHAPTER

17 February 2025

1. INTRODUCTION

- 1.1 The purpose of this Minute is to indicate considerations of the Hearings Panel (the Panel) and provide directions following the hearing of submissions on the Natural Features and Landscapes chapter on 12 February 2024.
- 1.2 The Panel wishes to further explore the role of this chapter in managing “*locally distinctive and valued natural features and landscapes*”, which is the terminology used in Objective LNF.2 in the Southland Regional Policy Statement (RPS). The Panel has identified a correlation between the RPS terminology and the language in mandatory direction 7.21 of the National Planning Standards that describes “*significant or otherwise valued*” features and landscapes.
- 1.3 At present the Proposed Gore District Plan (the Proposed Plan) only contains provisions specific to “*outstanding natural features and landscapes*”. However, at the time of notification the Mata-ura/ Mataura River High Natural Character Feature was also included in Appendix 5 of the Proposed Plan.
- 1.4 Submissions to the Proposed Plan and evidence received by the Panel identifies a number of natural features and landscapes that are not considered by the Council’s landscape expert, Mike Moore, to qualify as “*outstanding*” but are the subject of submissions seeking to ensure their management through provisions in the Proposed Plan. These include:
 - Southern syncline strike ridges to the east of Mataura River (Robina Johnston, S140.002)
 - New Zealand Geopreservation Inventory sites, in particular:
 - Landslip Hill Landslide and Mid Tertiary Plant Beds
 - Shell Gully Oligocene Fossils
 - Wendon Valley Oligocene Fossil Molluscs
 - Brydone Oligocene Molluscan Fossils(Southland District Council, S146.039)
 - The main stem Mataura River as a natural feature with landscape values (Hokonui Runanga S139.093)
 - The land between the Hokonui Hills ONFL and Southland district boundary, that may be best zoned Visual Amenity Landscape or equivalent. (Southland District Council, S146.039)
- 1.5 The National Planning Standards mandatory direction 7.2.1 requires in (a) that significant or otherwise valued natural features and landscapes must be first identified, and then in (c) that there must be provisions to manage them.
- 1.6 The RPS Policy INF.2 requires that locally distinctive and valued natural features and landscapes are to be identified, assessed and managed. This policy is supported by RPS Method LNF.9, which encourages local authorities to develop criteria to identify and establish management provisions. The Panel is not aware that criteria have been developed for the purpose of identifying and assessing locally distinctive and valued natural features and landscapes. However, submitters have nominated a number of them and sought that the District Plan contain provisions to manage effects on them.

Strike ridges east of Mataura River

- 1.7 The Panel understands that at this stage identification has not been established in accordance with the National Planning Standards and RPS as to the extent and boundaries of the strike ridges. In contrast, a mapped boundary for the Hokonui Hills outstanding natural landscape was notified and has been recommended to be amended by the s42A reporting officer in response to submissions and expert evidence.
- 1.8 The Panel is interested in what constitutes identification, if it is not through mapping, and whether anything further can be done through this current process to manage the strike ridges east of the Mataura River, or whether identification is required through a subsequent process, such as a Variation to the Proposed Plan.
- 1.9 The Panel understands that the General Rural Zone (GRUZ) provisions apply in the absence of identification and management in the Natural Features and Landscapes chapter. The Panel is interested in the extent to which those provisions respond to concerns raised by submitters about management of the landscape values of the strike ridges.

New Zealand Geopreservation Inventory sites

- 1.10 Expert evidence from Mr Moore stated that the Proposed Plan should identify and contain provisions to manage what he described as the “geo-heritage” sites listed in the New Zealand Geopreservation Inventory (paragraphs 68 and 69 of his evidence dated 13 December 2024). The Panel understands from exchange at the hearing that these sites are mapped as part of the national inventory and that the extent of each site has therefore been identified. The Panel does not currently have access to the mapped areas.

Mataura River Main Stem

- 1.11 The s42A recommendation, in response to the Southland District Council submission (S146.052) is to move reference to the Mataura River from Appendix 5 to Appendix 6 as part of the new Natural Character chapter developed in response to Minute 18. The text in Appendix 6 has been modified in the s42A recommendation to only refer to natural character values and threats to those values, in contrast to the notified version which referred also to landscape values and threats to those values.
- 1.12 The Panel understands there is some overlap, but that the two chapters, the Natural Character chapter and the Natural Features and Landscapes chapter, are managing effects associated with two different matters of national importance under the Resource Management Act 1991 (RMA), s6(a) and s6(b). The Panel is concerned that a gap is created around management of landscape values and threats to those values in relation to the main stem of the Mataura River as a consequence of the s42A recommendation.
- 1.13 The Panel notes that notified Appendix 5 contained the following descriptor:
“The feature identified includes the entire main stem of the Mataura River within the Gore District, including the river margins. The river and its margins are defined as including the active river flood plain to the top of the defining terraces.”
- 1.14 Submitters raised concerns about mapping around the main stem of the Mataura River (e.g. NZ Transport Agency, S112.185). The Panel is interested in whether the descriptor in notified Appendix 5 constitutes identification in accordance with the National Planning Standards and RPS, acknowledging the difficulty of mapping mobile river margins.

Cross-Boundary Visual Amenity Landscape

- 1.15 Mike Moore in his evidence at paragraph 63, in responding to the Southland District Council submission S146.039 referred to two areas adjacent to the Southland District / Gore District boundary that he described as potential 'Visual Amenity Landscape' (VAL) candidates. These are between the Hokonui / Waterfall Range ONL and the SDC boundary and an area of native vegetation further south. The submission infers that a consistent approach is required in managing that portion of the identified VAL within the Gore District Plan.

2. PANEL DIRECTIONS

- 2.1 The Panel invites submitters on the Natural Features and Landscapes chapter, the s42A reporting officer and the Council's legal adviser to respond to the following matters of interest to the Panel in reaching decisions on submissions lodged to this chapter:
- (1) The need to address a gap in the plan in relation to locally distinctive and valued natural features and landscapes to give effect to the RPS, either through the current process or by way of a Variation to the Plan;
 - (2) The scope to identify locally distinctive and valued natural features and landscapes, as raised in submissions, and manage them through provisions (similar to the potential introduction of the Natural Character chapter in response to submissions);
 - (3) Options to identify natural features and landscapes that are locally distinctive and valued, as raised in submissions, both with and without mapping;
 - (4) The extent to which the General Rural Zone provisions currently manage effects on the landscape of the strike ridges east of Mataura River; and
 - (5) Subject to an assessment under s32AA, the suitability of the indicative provisions, attached as Appendix 1, to manage locally distinctive and valued natural features and landscapes, as raised in submissions.
- 2.2 This matter will be considered by the Hearings Panel at the Wrap Up hearing, Hearing Stream 12, scheduled for 7 April 2025. To facilitate that, the following timetable shall apply:
- By 14 March 2025, the Council's advisers (planning and legal) shall submit feedback responding to the issues in 2.1 above.
 - By 21 March 2025, any person who has lodged a submission of further submission to the matters listed in 1.4 above may provide feedback expressing their views on the matters in 2.1 above.

Any queries regarding this Minute should be directed to the Planning Department of the Gore District Council, phone (03) 209 0330 or email hearings@goredc.govt.nz.



Keith Hovell

Hearing Panel Chair

APPENDIX 1

Indicative drafting of provisions to manage locally distinctive or valued natural features and landscapes

Overview

Potential additions to paragraphs in the Overview section:

This chapter also contains provisions that identify and manage some locally distinctive and valued natural features and landscapes. These include the Southern Syncline strike ridges to the east of the Maitara River, Oligocene fossil sites recorded in the New Zealand Geopreservation Inventory, the main stem of the Maitara River and an area of land between the Hokonui Hills Outstanding Natural Landscape and the boundary of the Southland District Council. Additional locally distinctive and valued natural features and landscapes may be identified in the future.

New Objective

NFL-O1 To maintain the values and characteristics of identified locally distinctive and valued natural features and landscapes.

Policy

Amend NFL-P3 to incorporate locally distinctive and valued landscapes

Add a new policy NFL-P5

NFL-P5 Manage locally distinctive and valued natural features and landscapes, including the Southern Syncline strike ridges to the east of the Maitara River, Oligocene fossil sites identified in the New Zealand Geopreservation Inventory, the main stem of the Maitara River and land adjoining the Hokonui Hills Outstanding Natural Landscape, in a way that:

- (a) Maintains or improves their distinctive values and characteristics; and
- (b) Provides for activities that are compatible with maintaining or improving their distinctive values and characteristics

New Rule

NFL-XX Activities within a locally distinctive and valued natural feature or landscape

All zones Activity status: Permitted

Where:

1. an existing lawfully established activity occurs and its scale is not increased;
2. an earthworks activity is not located within 20 metres from the main stem of the Maitara River, or an identified geopreservation site, and complies with earthworks permitted activity rules EW-XX and EW-XX and standards EW-XX, EW-XX...;
3. a building or structure is not located within 20 metres from the main stem of the Maitara River, or an identified geopreservation site, and meets the conditions of a permitted activity in NFL-R1;
4. planting other than plantation forestry is of indigenous species and for restoration, conservation, or hazard prevention measures and hazard prevention measures are not located within a geopreservation site;
5. installation of a post and wire fence that is not located within 20 metres from the main stem of the Maitara River, or within an identified geopreservation site

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Activity status where compliance is not achieved:

Restricted Discretionary

Matters of discretion:

1. Effects on the values and characteristics listed in NFL-App Appendix 5
2. Impacts on Ngāi Tahu cultural values, including those listed in MW-2.3

Appendix 5

Retain text notified under the heading “Mata-ura/Mataura River High Natural Character Feature (HNCF)” but change the heading to read “Mata-ura/Mataura River Valued Natural Feature and Landscape”.

Add a description and the values of the Southern Syncline strike ridges to the east of the Mataura River and use the heading “Eastern Strike Ridges Valued Natural Feature and Landscape”

Add a description and the values of the identified geopreservation sites and use the heading “Shell Gully Oligocene Fossils Geopreservation Site” (as an example)

Map

- the geopreservation sites as shown in the New Zealand Geopreservation Inventory
- the land between the Hokonui Hills ONFL and Southland District boundary