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

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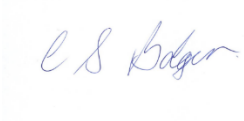
Gore District Plan - Decisions on Submissions
Topic 16: General Rural Zone

Hearings Panel Members

Keith Hovell

Glenys Dickson



Cliff Bolger

Maria Bartlett

Date of Hearing
23 - 24 July 2024

Index

Page

1. Introduction

1.1 Scope of this Decision 1
1.2 Abbreviations 1
1.3 Statutory Considerations 2
1.4 Procedural Matters 2

2. The Hearings

2.1 General Rural Zone Hearing 3
2.2 Other Relevant Hearings 4
2.3 Minute 16 4

3. General Rural Zone General, Overview and Purpose

3.1 General 5
3.2 Overview and Purpose 8

4. General Rural Zone Objectives, Policies and Notes

4.1 Objectives and Policies Supported 10
4.2 Objective GRUZ-O1 11
4.3 Objective GRUZ-O2 12
4.4 Objective GRUZ-O3 14
4.5 Objective GRUZ-O5 16
4.6 Objective GRUZ-PREC13-O1 16
4.7 Additional Objective Sought 16
4.8 Policy GRUZ-P2 16
4.9 Policy GRUZ-P4 17
4.10 Policy GRUZ-P5 18
4.11 Policy GRUZ-P6 18
4.12 Policy GRUZ-P7 20
4.13 Policy GRUZ-P8 20
4.14 Policy GRUZ-P9 22
4.15 Policy GRUZ-P10 23
4.16 Policy GRUZ-P11 24
4.17 Policy GRUZ-P12 24
4.18 Policy GRUZ-P13 25
4.19 Notes 27

5 General Rural Zone: Rules

5.1 Rule GRUZ-R1 27
5.2 Rule GRUZ-R2 28

5.3 Rule GRUZ-R3 29
5.4 Rule GRUZ-R4 32
5.5 Rule GRUZ-R5 33
5.6 Rule GRUZ-R6 34
5.7 Rule GRUZ-R7 35
5.8 Rule GRUZ-R8 36
5.9 Rule GRUZ-R9 36
5.10 Rule GRUZ-R10 37
5.11 Rule GRUZ-R11 38
5.12 Rule GRUZ-R12 39
5.13 Rule GRUZ-R13 39
5.14 Rule GRUZ-R16 39
5.15 Rule GRUZ-R17 40
5.16 Rule GRUZ-R18 41
5.17 Rule GRUZ-R20 41
5.18 Exotic Continuous Cover Forestry 42

6. General Rural Zone Standards

6.1 Standards General 43
6.2 Standard GRUZ-S1 44
6.3 Standard GRUZ-S2 45
6.4 Standard GRUZ-S3 46
6.5 Standard GRUZ-S4 46
6.6 Standard GRUZ-S5 48
6.7 Standard GRUZ-S6 48
6.8 Standard GRUZ-S7 48
6.9 Standard GRUZ-S8 53
6.10 Standard GRUZ-S9 53
6.11 Additional Standard Sought 54
6.12 Appendix 3 River and Stream Order 54

7. Subdivision Chapter

7.1 Submissions in Support 55
7.2 Submissions in Opposition 55

8. Additional Matters

8.1 Whole of Plan Submissions 57
8.2 Section 32AA 58

Appendix A. Submissions (attached as a separate document)

Appendix B. Plan Chapter (attached as a separate document)

1 Introduction

1.1 Scope of this Decision

1.1.1 This document details the evaluation and decisions of the Hearings Panel on the submissions and evidence considered in relation to submissions lodged to the General Rural Zone.

1.1.2 This Decision is one of an integrated series of Decisions considering submissions to the Rural Zones, as follows:

- Decision 12 McNab
- Decision 15 Rural Zones Definitions and Maps
- Decision 16 General Rural Zone
- Decision 17 Rural Lifestyle Zone
- Decision 26 New Vale

1.1.3 The Hearings Commissioners comprising the Panel for these hearings were Commissioners Keith Hovell, Maria Bartlett, Cliff Bolger and Glenys Dickson.

1.1.4 This Decision focuses on the key issues in contention. Where there is no contention, such as submitter support for certain provisions, or minor matters where proposed changes are recommended in response to submissions, the Panel has adopted the recommendations and the underlying evaluation contained in the s42A Report prepared by Joanne Skuse.

1.1.5 Attached is the updated provisions for the Rural Zone, referencing changes authorised by this and other Decisions of the Panel. Changes made in response to submissions are shown in normal black font, with text either underlined for additions or as ~~strikethrough~~ for deletions. A reference is also provided of the decision and paragraph number giving rise to the changes in response to submissions. Amendments made to the PDP pursuant to clause 16(2) are shown in the updated District Plan chapters in a green font. Shown in a red font are consequential numbering changes arising from provisions being added or deleted.

1.1.6 Appendix A lists the submissions considered in this decision and their outcome, described as accepted, accepted in part or rejected. For convenience, the Panel has chosen to make decisions on original submissions only. By implication, but not explicitly, it has also made decisions in relation to further submissions.

1.1.7 Attention is also drawn to Decision 2, Whole of Plan and Repeated Submissions that responds to submissions lodged to the District Plan as a whole, together with those lodged to multiple zones and/or chapters in the PDP. In some cases, these submissions may result in amendments to this chapter as well. Any such changes are annotated as a footnote in the updated provisions.

1.2 Abbreviations

1.2.1 In this decision the following abbreviations are used:

Full Text	Abbreviation
Clark Fortune McDonald and Associates	CFMA
Clause 16(2) of the First Schedule of the RMA	cl 16(2)
Environment Southland	ES
Fire and Emergency NZ	FENZ
Gore District Plan	Plan
Hearings Panel	Panel
Heritage New Zealand Pouhere Taonga	Heritage NZ
Hokonui Rūnanga Incorporated	Hokonui Rūnanga

Full Text	Abbreviation
KiwiRail Holdings Ltd	KiwiRail
National Policy Statement for Highly Productive Land	NPSHPL
National Environmental Standards for Commercial Forestry	NESCF
NZ Transport Agency Waka Kotahi	NZTA
NZ Agricultural Aviation Assn	NZAAA
Port Blakely Limited	Port Blakely
Proposed Gore District Plan	Proposed Plan or PDP
Report prepared under section 42A of the RMA	s42A Report
Resource Management Act 1991	RMA
RMA section	s
Southland District Council	SDC
Southland Federated Farmers NZ	Federated Farmers
Waka Kotahi NZ Transport Agency	NZTA

1.3 Statutory Considerations

1.3.1 The Panel's Decision1 Preliminary Matters and Statutory Requirements Relevant to Decisions sets out the legal framework and requirements for preparing a District Plan, as well as case law referred to in legal submissions and evidence provided to the Panel. This framework is not repeated in this Decision. Rather, this Decision should be read in conjunction with Decision1.

1.3.2 In s42A reports to the Panel, the authors are required to consider any alternative provisions put forward in the context of s32, and when changes are recommended, a further assessment under s32AA is provided if the change is a material departure from what was notified. That same obligation to make a further assessment under s32AA also applies to the Panel if it decides to make changes to the Plan in response to submissions which materially depart from the notified version.

1.3.3 Through Minute 5, the Panel requested submitters seeking changes to District Plan provisions to have regard to the s32 provisions and provide material to the Panel that would facilitate any additional s32AA assessment required if it was of a mind to accept the changes they sought.

1.3.4 Where the Panel has made amendments to the Proposed Plan that are consistent with the recommendations contained within the s42A Reports and associated evidence the Panel has adopted the s32AA analysis contained within those reports and evidence, unless expressly stated otherwise. Those reports are part of the public record and are available on the Council's website.

1.3.5 Where the Panel has made amendments to the Proposed Plan that are not contained within the s42A Report, or which were not subject to a s32AA assessment provided by submitters, the Panel has undertaken the required s32AA analysis and has incorporated it into the body of the decision, with the required assessment forming part of the evaluation. The Panel is satisfied that the required substantive assessment has been undertaken where required.

1.4 Procedural matters

1.4.1 There were no pre-hearing meetings or meetings undertaken in accordance with clause 8AA of Schedule 1, on the submissions relating to this Decision.

1.4.2 No member of the Panel identified any conflicts of interest with regard to matters dealt with in this decision..

1.4.3 No procedural matters were raised at the hearing.

1.4.4 No matters of trade competition were raised.

2 The Hearings

2.1 General Rural Zone Hearing

2.1.1 The hearing in relation to the Rural Zones was held on 23 - 24 July 2024 at the Gore District Council administration building, in Gore.

2.1.2 Prior to the hearing, the Panel received a S42A Report and associated documents authored by the following:

Table 1: S42A Report Documents	
Author	**Description**
Joanne Skuse	S42A Report
Tonkin and Taylor	Flooding Assessment
Mark Gregory	Transport Expert Evidence
The Property Group	Planning for Growth
The Property Group	Economic and Population Growth Analysis
Mike Moore	Proposed Hokonui Hills Rural Lifestyle Zone Landscape Protection Provisions

2.1.3 At the commencement of the hearing, the Panel received supplementary evidence from Joanne Skuse responding to matters raised in the evidence and additional information received by the Panel. The Panel sought clarification from Joanne Skuse regarding matters contained in her S42A Report and supplementary evidence at various times during the hearing, in between presentations from submitters and further submitters.

2.1.4 Submitters who appeared at the hearing are shown in Table 2.

Table 2: Hearing Stream 3: Rural Zones – Submitters Attending the Hearing			
No.	**Submitter**	**Attendees**	**Nature of Evidence**
S101 FS30	Transpower NZ Ltd	Ainsley McLeod John Sutherland	Video Link Video Link
S74	Hamish Weir	Self	In person
S112	NZTA Waka Kotahi	Helen Dempster	Video Link
S42	Kowhai Trust	Hamish Weir Angela Watson Johnnie Watson	In person In person In Person
S99	Clark Fortune McDonald	Nick Geddes Ben Wilson	In person In person
S85	Environment Southland	Marcus Roy Gaven Guilder	Video Link Video Link
S77	New Zealand Heavy Haulage	Jonathan Bhana-Thomson	Video Link
S126	Southland Federated Farmers NZ	Rachel Thomas	Video Link
S3	Stoney Creek Station	Brett Highsted Nathan Bosker	In Person In Person
S128	Greenbriar Ltd	Bridget Irving John Howes Andrew Shultz Megan Justice	Video Link Video Link

2.1.5 Submitters who submitted further information for the Panel to consider were:

- Ravensdown Ltd (S26)
- Silver Fern Farms (S49)
- Rural Contractors of NZ (145)
- KiwiRail Holdings Ltd (S132)

2.1.6 All written material received by the Panel is available on the Council's web site.

2.2 Other Relevant Hearings

2.2.1 Decision 2 lists the submissions lodged to the Whole of the Plan. Submission S139.040 Hokonui Rūnanga Inc raises issues relevant to this decision and in that regard, relevant evidence was received by the Panel during the hearings to consider submissions to the Mana Whenua and Sites of Significance to Māori chapters from:

- Courtney Bennett for the Gore District Council
- Amy Beran for Hokonui Rūnanga

2.2.2 Plan provisions applying within areas subject to inundation were considered in the context of the HS11 Natural Hazards. Arising from submissions by Environment Southland this included consideration of zoning changes within areas of actual and potential inundation. In that regard, evidence from the following witnesses is relevant to matters considered in this decision:

- Brett Osborne, author of the s42A Report
- Tim Morris for the Gore District Council
- Marcus Roy, Joanne Patterson and Matthew Gardner for Environment Southland

2.3 Minute 16

2.3.1 The Panel issued Minute 16 on 16 August 2024, following the Rural zones hearing, having identified a policy gap in the Plan with regard to management of adverse effects of afforestation activities.

2.3.2 The Panel interpretation of the National Environmental Standards for Commercial Forestry (NESCF) outlined in the Minute included reference to Regulation 6(4A), which allows a district plan to control afforestation by means of resource consent. The Panel highlighted that the combined effect of the National Policy Statement for Highly Productive Land (NPSHPL) prioritising land based primary production, including afforestation, on highly productive land, and the NESCF default permitted activity status for commercial forestry activities, would enable widespread afforestation in the Gore district.

2.3.3 The Panel highlighted submissions from Clark Fortune McDonald and Associates (S99.032), Southland District Council (S146.081), Jenny Campbell (S136.011), and FENZ (S124.021) in relation to managing wildfire risk, which each raised issues relevant to the relationship between the NESCF and the district plan.

2.3.4 The Panel identified that GRUZ-P3 provided no guidance on issues raised in submissions for discretionary activities triggered under GRUZ-R5. The Panel sought advice on amendment to GRUZ-R1 to better differentiate resource consent requirements for different types of forestry activities, along with change to GRUZ-P3.

2.3.5 Joanne Skuse, the s42A Reporting Officer, responded on 18 September 2024 with a range of recommendations including an amendment to the definition of “woodlot” to differentiate plantation forestry from exotic continuous-cover forestry, as the NESCF does. She also recommended that plantation forestry be managed entirely under the NESCF regulations because the activity is productive in nature and the NESCF appropriately manages a range of potential adverse effects from the activity. She recommended that exotic continuous-cover forestry be managed under the District Plan because of its different characteristics, including lack of production, limited forestry management, and impacts on rural communities and food production, which are matters not managed by the NESCF. She recommended discretionary activity status, and non-complying when undertaken on highly productive land, with effects on ONL, ONF or SNA managed by Rules NFL-R8 and ECO-R1. She considered these

changes to be within the scope of submissions and provided a s32AA analysis of the recommendations.

2.3.6 The Panel received a memorandum of counsel from Shona Walter of Saunders & Co on behalf of Port Blakely Limited (Port Blakely) in response to Minute 16. It outlined the interests of Port Blakely in the matter, as owner and manager of the Kaiwera forest, which is partially located in the Gore district. Shona Walter emphasised that when utilising the justification test in Regulation 6 of the NESCF, an evaluation must be undertaken under s32(4) of the RMA to specifically consider whether a more stringent rule is justified in the context of the district. She also highlighted that under s44A there is a requirement to identify and remove any duplication or conflict with the NESCF. Helpfully, she attached a copy of *Rayonier New Zealand Ltd v Canterbury Regional Council [2024] NZHC 1478, 6 June 2024* for reference and drew attention to passages particularly relevant to the task of the Panel. Overall, the memorandum indicated support for the reporting officer's approach to plantation forestry and recommended amendments to GRUZ-P3. This was considered by Shona Walter to be in line with Port Blakely's submission seeking that the PDP align with the NESCF and remove or amend rules stricter than the NESCF that do not meet the justification test.

2.3.7 A further right of reply from Joanne Skuse was provided on 8 April 2025 as part of HS12, in which she highlighted information contained within the *Section 32 Report for the Rural Zones*, detailing the extent of highly productive land in the Gore district. Second only to the Matamata-Piako district nationally in terms of the proportion of highly productive land available for land based primary production, 57.27% of the Gore district is LUC class 1-3, with the majority being LUC class 3.

2.3.8 Prior to the close of the hearing the Panel also received a copy of the Great South report *Social and Economic Implications of Land Use Change from Pastoral to Carbon Forestry in Murihiku Southland* (14 March 2024) (Carbon Forestry Implications Report).

3 General Rural Zone: General, Overview and Purpose

3.1.1 General

Submitter (S)	Decision Requested
S17.004 Resolution Developments Ltd	Support in part the proposal to create Rural Industry Precinct 13, the proposed Objectives Policies Spatial Mapping Location of the Precinct and all relevant Rules/Standards except where subject to specific submission points.

3.1.1 Resolution Developments Ltd generally supported Rural Industry Precinct 13 at Mataura and that is acknowledged subject to minor changes sought in other submission points, some of which have resulted in amendments to the Precinct provisions. Accordingly submission S17.004 Resolution Developments Ltd is accepted in part.

Submitter (S) Further Submitter (FS)	Decision Requested
S146.081 Southland District Council	Update the proposed District Plan with the amendments to the National Environmental Standard for Commercial Forestry (NESCF) as part of the provisions. At the minimum, Note 2 may need to be revised to reflect the change in legislation on and the ability for Gore District Council to regulate commercial forestry. There are other zones which contain this note as well. structure for the General Rural Zone. The NESCF allows Councils to implement regulations concerning afforestation within their District. The principal activity for the General Rural Zones is primary production, having provisions concerning afforestation within this zone would be appropriate.

3.1.2 Following responses to Minute 16, and in light of the submission of SDC, the Panel has considered the findings of the High Court in *Rayonier New Zealand Ltd v Canterbury Regional Council* regarding the application of Regulation 6 of the NESCF, particularly in the context of s32(4) of the RMA. The Panel's intention in decisions is to rely on the NESCF to manage a range of effects of plantation forestry, in line with the advice received from Joanne Skuse, which was recognised by Port Blakely as an appropriate approach to the relationship between the NESCF and the district plan for plantation forestry.

3.1.3 The Panel has considered Regulation 6 of the NESCF in relation to decisions on the Ecosystems and Indigenous Biodiversity chapter of the Plan. Regulation 6(2)(b) allows a rule in a plan to be more stringent than the regulations to provide for the protection of significant natural areas. The term "Significant Natural Area" in the PDP is specific to two areas that qualify as SNAs under the NPSIB, as also mapped in the operative district plan. Otherwise, the PDP references mapped areas of significant indigenous vegetation and significant habitats of indigenous fauna that also require protection under the rule framework. The NESCF definition of "significant natural area" means:

> *An area of significant indigenous vegetation or significant habitat of indigenous fauna that –*
>
> *(a) is identified in a regional policy statement or a regional or district plan as significant, however described; and*
>
> *(b) is identified in the policy statement or plan, including by a map, a schedule, or a description of the area of by using significance criteria.*

3.1.4 The Panel is satisfied that all areas of indigenous vegetation in the PDP that are identified as significant and mapped in the Plan are able to be protected by more stringent rules than the NESCF to manage adverse effects of commercial forestry, which includes both plantation forestry and exotic continuous-cover forestry. Regulation 6(2)(a) also provides for more stringent rules to provide for the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development, which is managed in the Natural Features and Landscape chapter of the Plan, as discussed in the decision on that chapter.

3.1.4 The Panel has endeavoured to reconcile the impact of the combination of the NPSHPL and NESCF in the Gore district, particularly in light of amendments to the NESCF that came into effect on 3 November 2023 introducing exotic continuous-cover forestry as a defined type of forestry, distinct from plantation forestry. Both plantation forestry and exotic continuous-cover forestry are considered commercial forestry activities under the NESCF, but the former is designed to be harvested and re-planted on rotation, whereas exotic continuous-cover forestry is not intended for harvest, but rather is intended to sequester carbon and remain in place indefinitely.

3.1.5 It is the view of the Panel that without management under the District Plan, the NESCF creates a permissive regime for planting of exotic continuous-cover forestry to replace other land based primary production activities on highly productive land. The NPSHPL prioritises land based primary production on highly productive land but does not differentiate between types of forestry as part of land based primary production. The Panel agrees with the rationale of Joanne Skuse that exotic continuous-cover forestry is different because it is not productive land use, unlike harvested plantation forestry and other land based primary production activities that produce commodities through a regular cycle of land management. Roughly two thirds of the Gore district is highly productive land, which has the potential to be replaced by exotic continuous-cover forestry as a permitted activity under the NESCF.

3.1.6 Policy 1 of the NPSHPL recognises that highly productive land is a finite resource. Policy 8 seeks that highly productive land is protected from inappropriate use and development, which is elaborated on in clause 3.9 in relation to whether activities are or are not land based primary production. Exotic continuous-cover forestry falls within the definition of land based primary production, so complies with clause 3.9, but when read alongside Policy 1, it is not clear to the Panel that prioritising exotic continuous-cover forestry would recognise the finite nature of the resource, given that there is no determined time at which the land would be free to use for other forms of land based primary production.

3.1.7 The scale of potential impact in the Gore district of a proliferation of exotic continuous-cover forestry on highly productive land is considered by the Panel to be significant. Technical reports supporting the s32 analysis for the Rural zones include the *Gore District Plan Review Economic and population growth analysis* (October 2021), which identified the Gore district as one of the largest contributors to GDP in the Southland region, led by agriculture as the dominant industry (p27). This report identified urban expansion as a potential threat to the productive land base of the district (p30) but did not foresee the potential encroachment of exotic continuous-cover forestry, although this activity would have a similar effect of neutralising land for productive uses. Submitters have identified this threat as present and already occurring in the district, affecting rural communities. The Carbon Forestry Implications Report from Great South does not use the term “exotic continuous-cover forestry” and instead uses the term “carbon forestry”, which the Panel understands may include a combination of plantation forests that are registered in the emissions trading scheme and exotic continuous-cover forests as defined in the NESCF. The Report finds that if half of productive land in the Southland region is converted to carbon forestry over 20 years the modelled impact would be the loss of 16.3% jobs in the region (p6), the loss of an estimated 1,742 jobs in the Gore district (p18), and a loss of $1.2 billion in GDP across the region, excluding carbon credits (p17).

3.1.8 The Panel considers that a widespread transition from agricultural land use to exotic continuous-cover forestry on highly productive land would be damaging to the Gore district and the wider region, and would not serve the primary objective of the NPSHPL or recognise the finite nature of highly productive land.

3.1.9 The Panel is aware that there has been some very recent regulatory change focussed on limiting the amount of farmland converted to exotic forest and registered in the ETS. The Climate Change Response (Emissions Trading Scheme – Forestry Conversions) Amendment Act effective as at 31 October 2025, is intended to limit to 25% LUC class 1 – 6 land registered as exotic forest in the emissions trading scheme within a farm boundary. The Panel is not yet clear how this will work or to what extent it will constrain potential expansion of exotic continuous-cover forestry in the district, although it is assumed to have a level of beneficial effect.

3.1.10 On the basis of the above analysis, the Panel is satisfied that it is appropriate to treat exotic continuous-cover forestry differently than plantation forestry within the policy and rule framework, providing for a consenting pathway, and therefore increased stringency over and above the NESCF permitted activity requirements. In short, the Panel considers it appropriate and necessary to require consent for exotic continuous-cover forestry over 1ha, with reference to Regulation 6(4A) of the NESCF. The Panel is cognisant that Regulation 6(4A) has been incorporated in to the NESCF to allow for consideration of social, cultural and economic well-being matters and environmental matters specific to a district or region. In the circumstances of the Gore district, it is the relatively high proportion of highly productive land in the district that is the

distinguishing factor, and dependence on agriculture as the mainstay of the local economy and rural communities.

3.1.11 Submission S146.081 Southland District Council is accepted and amendments made to the chapter as a consequence, including addition to the Overview, amendment to GRUZ-P3, introduction of GRUZ-P15, amendment to GRUZ-R1 and introduction of GRUZ-R21, as outlined in the following sections.

3.2 Overview and Purpose

Submitter (S)	Decision Requested
S111.004 Aggregate and Quarry Assn S128.034 Greenbriar Ltd. S135.003 Straterra Inc	Support Overview and Purpose

3.2.1 The submitters support the Overview and Purpose section and that is acknowledged. As amendments have been made to the section these submissions are accepted in part.

Submitter (S)	Decision Requested
S126.140 Southland Federated Farmers of NZ S115.141 Kevin Robertson S143.152 Rural Ratepayers Group S148.153 Alistair & Bernadette Hunt S60.143 Ronald Crispin S68.261 John Baynes	Amend Overview and Purpose: The purpose of the General Rural Zone is to provide for and protect rural production activities and other activities that rely on the rural resource. The General Rural Zone is the largest zone in the District and this land resource underpins the economic ~~and~~ social and cultural well-being of the District.
S129.001 Waikaka Gold Mines Ltd	Replace "rural production activities" with "primary production activities" so the first sentence reads: The purpose of the General Rural Zone is to provide for and protect primary production activities and other activities that rely on the rural resource.

3.2.2 The Panel accepts the advice of Joanne Skuse at paragraph 446 of her s42A Report that inclusion of 'cultural' in terms of well-being as sought by Federated Farmers and others is a more appropriate way to achieve the purpose of the Act.

3.2.3 The Panel also accepts the advice of Joanne Skuse at paragraph 447 of her s42A Report where she recommends accepting the submission of Waikaka Gold Mines Ltd because 'rural production activities' is not defined in the PDP.

3.2.4 Submissions S126.140 Southland Federated Farmers of NZ and others, and S129.001 Waikaka Gold Mines Ltd, are accepted by amending the first paragraph of the General Rural Zone Overview and Purpose to read:

The purpose of the General Rural Zone is to provide for and protect ~~rural~~ *primary production* activities and other activities that rely on the rural resource. The General Rural Zone is the largest zone in the District and this *land* resource underpins the social, economic, and cultural ~~economic and social~~ ~~wellbeing~~ well-being of the District.

Submitter (S) Further Submitter (FS)	Decision Requested
S28.009 Ravensdown Ltd S156.008 NZ Agricultural Aviation Assn	Amend paragraph 4: Rural lifestyle settlement and urban expansion is not promoted in the General Rural zone to avoid un-coordinated development and fragmentation of the rural resource and avoid potential reverse sensitivity effects.
FS4.23 NZ Agricultural Aviation Assn	Allow S28.009 Ravensdown Ltd
FS17.070 Federated Farmers	Allow S156.008 NZ Agricultural Aviation Assn
S103.004 McNab Management Ltd	Amend the fourth paragraph to read "Rural lifestyle settlements and urban expansion are not encouraged in the General Rural Zone to avoid un-coordinated development fragmentation of rural land and reverse-sensitivity effects on rural activities." Delete the second sentence. (~~Fragmentation of the rural resource will impact high class soils and rural productivity.~~)

	Add to the end of paragraph 5 "Where appropriate rural industrial activities may be located within the Rural Industry Precincts." Delete the 6th paragraph. (~~Non-rural activities ….~~)

3.2.5 The Panel accepts the advice and reasoning of Joanne Skuse at paragraphs 442 and 443 of her s42A Report where she recommended accepting the intent of the submission of Ravensdown and NZ Agricultural Aviation Assn and McNab Management Ltd with a minor change.

3.2.7 Submissions S28.009 Ravensdown, S156.008 NZ Agricultural Aviation Assn and McNab Management Ltd are accepted in part by amending the fourth paragraph of the Overview and Purpose as follows:

Rural lifestyle, settlements and urban expansion is not promoted in the General Rural Zone to avoid un-coordinated development, ~~and~~ fragmentation of ~~the~~ rural land and *reverse sensitivity* effects, all of which can negatively ~~resource. Fragmentation of the rural resource will~~ impact high class soils and rural productivity.

Submitter (S)	Decision Requested
S109.113 Department of Conservation	Retain as notified with the following amendments Provisions relating to ONLs SNAs and the natural environment are in the Natural Environment Values section of the Plan.

3.2.8 The Panel accepts the advice and reasoning of Joanne Skuse at paragraph 445 of her s42A Report where she recommended rejecting this submission given that Note 1 highlights the Plan should be read as whole. The Panel notes acceptance of this outcome by Elizabeth Williams on behalf of the submitter.

3.2.9 It should be noted however, pursuant to clause 16(2) of the First Schedule the Panel has made amendments to the equivalent of Note 1 in all chapters to better describe the connections between the different parts of the Plan, particularly between the zone chapters and district wide issues. To reduce duplication this is located in the section entitled “How the Plan Works” with Notes 1 and 2 in the General Rural Zone chapter being deleted.

Submitter (S) Further Submitter (FS)	Decision Requested
S85.153 Environment Southland	The plan should encourage compliance with AS/NZS 1547:2012 On-site domestic wastewater management unless GDC is relying on the building consent process for this.
FS5.160 Hamish Weir	Disallow S85.153 Environment Southland

3.2.10 The Panel accepts the advice and reasoning of Joanne Skuse at paragraph 435 of her s42A Report where she recommended rejecting this submission for the reason the Building Code contains appropriate provisions to consider the issue. In addition, Rule SUB-R5 requires consideration of the disposal of foul water as part of the resource consent process. Accordingly, submission S85.153 Environment Southland is rejected.

3.2.11 Consequential to acceptance of S146.081 Southland District Council, as determined at paragraph 3.1.11, the third paragraph of the Overview is amended as follows:

Rural activities in the District are supported by the District’s extensive coverage of high class soils, and these high class soils need to be protected from inappropriate land use and subdivision. Exotic continuous-cover forestry is not appropriate on these soils because it limits their productive use.

4 General Rural Zone: Objectives, Policies and Notes

4.1 Objective and Policies Supported

Submitter (S)	Decision Requested
S128.038 Greenbriar Ltd. S126.144 Southland Federated Farmers of NZ S3.051 Stoney Creek Station Ltd S113.051 Trudy Bokser S116.051 Nathan Bokser S118.051 AW+ JA Johnston Family Trust S127.087 Peters Farm Ltd Karen Peters S18.053 Reaby Downs Farm Ltd S19.053 Karen Temple S20.053 Sarah and Peter Barclay S24.053 Helen McIntosh S68.055 John Baynes S115.145 Kevin Robertson S143.156 Rural Ratepayers Group S148.157 Alistair & Bernadette Hunt S60.147 Ronald Crispin S68.265 John Baynes S117.051 Greg Bokser	Retain GRUZ-O4 as notified.
S122.017 Fulton Hogan S128.040 Greenbriar Ltd. S126.146 Southland Federated Farmers of NZ S3.053 Stoney Creek Station Ltd S113.053 Trudy Bokser S116.053 Nathan Bokser S118.053 AW+ JA Johnston Family Trust S127.089 Peters Farm Ltd Karen Peters S18.055 Reaby Downs Farm Ltd S19.055 Karen Temple S20.055 Sarah and Peter Barclay S24.055 Helen McIntosh S68.057 John Baynes S115.147 Kevin Robertson S143.158 Rural Ratepayers Group S148.159 Alistair & Bernadette Hunt S60.149 Ronald Crispin S68.267 John Baynes S117.053 Greg Bokser	Retain GRUZ-P1 as notified.
S3.055 Stoney Creek Station Ltd S143.008 Rural Ratepayers Group S113.055 Trudy Bokser S116.055 Nathan Bokser S118.055 AW+ JA Johnston Family Trust S127.091 Peters Farm Ltd Karen Peters S18.057 Reaby Downs Farm Ltd S19.057 Karen Temple S20.057 Sarah and Peter Barclay S24.057 Helen McIntosh S68.059 John Baynes S117.055 Greg Bokser	Retain GRUZ-P3 as notified.
S112.145 Waka Kotahi NZ Transport Agency	Retain GRUZ-PREC13-P1 as notified

4.1.1 Submissions have been lodged in support of Objective GRUZ-O4, and Policies GRUZ-P1 and GRUZ-PREC13-P1. No other submissions oppose or seek changes to these provisions. Consequently, these submissions are acknowledged and accepted.

4.1.2 The Panel has amended GRUZ-P3 as part of the suite of changes in response to submissions S146.081 Southland District Council, S138.008 and S138.011 Port Blakely Limited, in order to differentiate between plantation forestry and exotic continuous-cover forestry and appropriately give effect to the NESCF in the context of the district, and therefore accepts in part the submissions in support of GRUZ-P3 as notified.

4.1.3 The Panel accepts submission S146.081 Southland District Council and accepts in part submissions S138.008 and S138.011 Port Blakely Limited, and amends policy GRUZ-P3 as follows:

Recognise the benefits of forestry and woodlots for carbon sequestering, economic activity and the natural environment by enabling the following:

1. plantation forestry, in accordance with the National Environmental Standards for Commercial Forestry; and

2. small scale woodlots.

4.2 Objective GRUZ-O1

Submitter (S)	Decision Requested
S128.035 Greenbriar Ltd. S145.004 Rural Contractors NZ Incorporated S3.048 Stoney Creek Station Ltd S113.048 Trudy Bokser S116.048 Nathan Bokser S118.048 AW+ JA Sheddamston Family Trust S127.084 Peters Farm Ltd Karen Peters S18.050 Reaby Downs Farm Ltd S19.050 Karen Temple S20.050 Sarah and Peter Barclay S24.050 Helen McIntosh S68.052 John Baynes S117.048 Greg Bokser	Retain GRUZ-O1 as drafted

4.2.1 The submitters support Objective GRUZ-O1 and that is acknowledged. As minor amendments have been made to the provision, these submissions are accepted in part.

Submitter (S) Further Submitter (FS)	Decision Requested
S156.009 NZ Agricultural Aviation Assn S63.016 NZ Helicopter Assn S87.006 Ballance Agri-Nutrients S28.010 Ravensdown Ltd	Amend GRUZ-O1: Recognise and provide for the importance of primary production and ancillary activities and rural industry to the social and economic wellbeing of the district
FS4.24 NZ Agricultural Aviation Assn FS18.22 NZ Helicopter Assn	Allow S63.016 NZ Helicopter Assn
FS4.25 NZ Agricultural Aviation Assn	Allow S87.006 Ballance Agri-Nutrients
FS4.27 NZ Agricultural Aviation Assn FS25.131 Stoney Creek Station Ltd	Allow S28.010 Ravensdown Ltd
S115.142 Kevin Robertson S143.153 Rural Ratepayers Group S148.154 Alistair & Bernadette Hunt S60.144 Ronald Crispin S68.262 John Baynes S126.141 Southland Federated Farmers of NZ	Amend GRUZ-O1: Enable, recognise and provide for the importance of primary production ancillary activities and rural industry to the social ~~and~~ ~~e~~economic and cultural well-being of the District.
FS4.26 NZ Agricultural Aviation Assn FS25.130 Stoney Creek Station Ltd	Allow S126.141 Southland Federated Farmers of NZ

4.2.2 Joanne Skuse at paragraph 458 of her s42A Report recommended rejecting these submissions on the basis that Objective GRZ-O3 provides for ancillary activities and are a subset of primary production. The Panel accepts that advice, considering that it is not appropriate to use the phrase "recognise and provide for" which is reserved for matters of national importance in the Act, and that "enable" generally leads to permitted activity status and not all primary production is permitted in the rule framework (e.g. mineral extraction, exotic continuous-cover forestry). The Panel agrees with the submitters who seek additional reference to cultural well-being and therefore accepts those submissions in part, while submissions S156.009 NZ Agricultural Aviation Assn and others are rejected.

4.2.3 Submissions S115.142 Kevin Robertson and others are accepted in part by amending Objective GRUZ-O1 as follows:

Recognise the importance of *primary production* and *rural industry* to the social, ~~and~~ economic and cultural ~~wellbeing~~ well-being of the District.

4.3 Objective GRUZ-O2

Submitter (S)	Decision Requested
S109.114 Department of Conservation	Reword so reads as an objective: The character and qualities of the General Rural zone continue to comprise: ...
S128.036 Greenbriar Ltd.	No Amendments Required

4.3.1 The Panel acknowledges the support of Greenbriar for the objective. As changes are being made to the objective, this submission is accepted in part.

4.3.2 Joanne Skuse at paragraph 458 of her s42A Report recommended accepting the DoC submission for the reasons given by the submitter and the Panel endorses that.

4.3.3 Submission S109.114 Department of Conservation is accepted by amending Objective GRUZ-O2 as follows:

The character and qualities of the General Rural zone continue to comprise:

Submitter (S) Further Submitter (FS)	Decision Requested
S132.136 KiwiRail Holdings Ltd	Amend GRUZ-O2 as follows: 2. A very low degree of built form well setback from other properties rail corridor and roads; and
S113.049 Trudy Bokser S116.049 Nathan Bokser S118.049 AW+ JA Johnston Family Trust S127.085 Peters Farm Ltd Karen Peters S18.051 Reaby Downs Farm Ltd S19.051 Karen Temple S20.051 Sarah and Peter Barclay S24.051 Helen McIntosh S68.053 John Baynes S117.049 Greg Bokser S3.049 Stoney Creek Station Ltd	Amend GRUZ-O2 as follows: 2. a ~~very~~ low degree of built form well setback from other properties and roads; and ...
FS17.072 Federated Farmers	Allow S3.049 Stoney Creek Station Ltd

4.3.4 Joanne Skuse at paragraph 479 of her s42A Report recommended rejecting the KiwiRail submission because the setback sought by KiwiRail in the General Rural Zone is 5m while the zone standards require a 15 metres setback from boundaries for buildings great than 10 m^2 in area. KiwiRail advised of its acceptance of that outcome. However, the Panel considers the s42A Report response overlooks that the objective describes and seeks to maintain the low degree of built form within the rural environment and in the Panel's view within the General Rural environment that includes the built form being well set back from the rail corridor. In that regard the Panel agrees with the submission.

4.3.5 Joanne Skuse at paragraph 479 of her s42A Report recommended rejecting the request to delete the word "very" from the objective because in her view the word "very" is appropriate. The Panel again adopts a different position, acknowledging it comes down to semantics and having regard to the submission considers the word "sparse" is a better spatial descriptor than "very low".

4.3.6 Submission S132.136 KiwiRail Holdings Ltd is accepted and submissions S113.049 Trudy Bokser and others are accepted in part by amending Objective GRZ-O2(2) as follows:

a ~~very low degree of~~ sparse built form, well setback from other properties, the rail corridor and *roads*; and

Submitter (S) Further Submitter (FS)	Decision Requested
S156.010 NZ Agricultural Aviation Assn S87.007 Ballance Agri-Nutrients S28.011 Ravensdown Ltd	Delete Clause 4 and add an additional clause: Smells noise dust from primary production activities
FS4.28, FS4.30 NZ Agricultural Aviation Assn	Allow S87.007 Ballance Agri-Nutrients, S28.011 Ravensdown Ltd
S122.015 Fulton Hogan	Amend as follows: 4. ~~high levels of rural amenity from adjacent sites~~ primary production in rural areas can produce noise odour dust and traffic consistent with a rural working environment that may be noticeable to residents and visitors in rural areas.
S115.143 Kevin Robertson S143.154 Rural Ratepayers Group S148.155 Alistair & Bernadette Hunt S60.145 Ronald Crispin S68.263 John Baynes S126.142 Southland Federated Farmers of NZ	Amend GRUZ-O2: The character and qualities of the General Rural zone comprise (...) 4. high levels of rural amenity including smells noise and dust from ~~adjacent sites.~~ primary production activities.
FS4.29 NZ Agricultural Aviation Assn	Allow S126.142 Southland Federated Farmers of NZ

4.3.7 These submissions all refer to clause (4) in the objective. While the Panel agrees that it is appropriate to recognise the effects associated with permitted rural activities, it agrees with Joanne Skuse at paragraph 474 of her s42A Report where she recommended a change to clause (1) instead, while also deleting reference to "adjacent sites" in clause 4. The Panel notes the agreement of Federated Farmers to this outcome.

4.3.8 Submissions S156.010 NZ Agricultural Aviation Assn and others, S122.015 Fulton Hogan, and S115.143 Kevin Robertson and others are accepted in part by:

(a) amending clause 1 of Objective GRUZ-O2 as follows:

1. a variety of *primary production* activities and their attributable noise, odour, dust, and traffic consistent with a rural working environment; and

(b) amending clause 4 of Objective GRUZ-O2 as follows:

4. high levels of rural amenity ~~from adjacent *sites*~~.

Submitter (S) Further Submitter (FS)	Decision Requested
S130.042 Mercury NZ Ltd	Add: 5. presence of structures and effects associated with rural activities and other activities provided for within the rural environment such as renewable electricity generation, quarries, mining.
FS24.053 Contact Energy Ltd	Allow FS24.053 Contact Energy Ltd

4.3.9 The Panel agrees with the assessment of Joanne Skuse at paragraph 481 of her s42A Report where she referred to Objective GRUZ-O3 that recognises the activities that support primary production activities within the General Rural zone. The Panel does not consider there is a need to provide a breakdown of those activities, recognising that objectives are providing an overview of outcomes sought rather than recognising individual and ancillary activities that supplement rural activities or have a functional need to locate in rural areas. Neither Mercury nor Contact provided any additional material to the Panel on this matter. Accordingly, submission S130.042 Mercury NZ Ltd is rejected.

Submitter (S) Further Submitter (FS)	Decision Requested
S110.047 Royal Forest and Bird Society of NZ Inc	Add: 5. Potential for Significant Natural Areas and pockets of high ecological/indigenous biodiversity value.
FS17.073 Federated Farmers FS25.132 Stoney Creek Station Ltd	Disallow S110.047 Royal Forest and Bird Society of NZ Inc
S129.002 Waikaka Gold Mines Ltd	Amend 4. high levels of rural amenity associated with outstanding natural landscapes and significant natural areas.

4.3.10 Arising from these submissions, Joanne Skuse at paragraphs 476 and 480 of her s42A Report recommended an addition to clause 4 of the objective. While the Panel agrees an addition is warranted, it prefers the approach of Forest and Bird to include an additional clause.

4.3.11 Submissions S110.047 Royal Forest and Bird Society of NZ Inc and S129.002 Waikaka Gold Mines Ltd are accepted in part by adding to Objective GRUZ-O2 the following:

5. areas of significant landscape and ecological value, including indigenous biodiversity.

4.4 Objective GRUZ-O3

Submitter (S)	Decision Requested
S126.143 Southland Federated Farmers of NZ S3.050 Stoney Creek Station Ltd S113.050 Trudy Bokser S116.050 Nathan Bokser S118.050 AW+ JA Johnston Family Trust S127.086 Peters Farm Ltd Karen Peters S18.052 Reaby Downs Farm Ltd S19.052 Karen Temple S20.052 Sarah and Peter Barclay S24.052 Helen McIntosh S68.054 John Baynes S115.144 Kevin Robertson S143.155 Rural Ratepayers Group S148.156 Alistair & Bernadette Hunt S60.146 Ronald Crispin S68.264 John Baynes S117.050 Greg Bokser S145.005 Rural Contractors NZ Inc S128.037 Greenbriar Ltd.	Retain GRUZ-O3 as notified.

4.4.1 The Panel acknowledges these submissions in support of the objective. While other submissions seek changes to the objective, these have been rejected. Accordingly, these submissions are accepted.

Submitter (S) Further Submitter (FS)	Decision Requested
S28.012 Ravensdown Ltd S156.011 NZ Agricultural Aviation Assn	Amend Non-primary production activities that support primary production or rely on a rural location or have a functional or operational need to locate in the General Rural Zone are provided for. ~~While managing the nature scale and location of activities.~~
FS4.31 NZ Agricultural Aviation Assn	Allow S28.012 Ravensdown Ltd
S87.008 Ballance Agri-Nutrients	Amend Provide for non-primary production activities that support primary production or rely on a rural location are provided for while managing the nature **and** scale ~~and location~~ of such activities.

4.4.2 The Panel agrees with the assessment of Joanne Skuse at paragraph 489 of her s42A Report where she expressed the view the existing wording of Objective GRUZ-O3 provides in general terms for the changes sought by Ravensdown and NZAAA. The Panel does not consider there to be any benefit in amending the provision. Accordingly, submissions S28.012 Ravensdown Ltd and S156.011 NZ Agricultural Aviation Assn are rejected.

4.4.3 The Panel also accepts the logic of Joanne Skuse at paragraph 490 of her s42A Report explaining the wording referred to by Balance. None of the submitters provided any additional material to the Panel on this matter. Accordingly, submission S87.008 Ballance Agri-Nutrients is rejected.

4.5 Objective GRUZ-O5

Submitter (S) Further Submitter (FS)	Decision Requested
S111.005 Aggregate and Quarry Assn S122.016 Fulton Hogan S128.039 Greenbriar Ltd. S135.004 Straterra Inc	Retain as notified
S126.145 Southland Federated Farmers of NZ S143.007 Rural Ratepayers Group S115.146 Kevin Robertson S143.157 Rural Ratepayers Group S148.158 Alistair & Bernadette Hunt S60.148 Ronald Crispin S68.266 John Baynes	Amend GRUZ-O5: The value and long-term benefits of using highly productive land for primary production is recognised and the availability of highly productive land for primary production for current and future generations is protected.
S113.052 Trudy Bokser S116.052 Nathan Bokser S118.052 AW+ JA Johnston Family Trust S127.088 Peters Farm Ltd Karen Peters S18.054 Reaby Downs Farm Ltd S19.054 Karen Temple S20.054 Sarah and Peter Barclay S24.054 Helen McIntosh S68.056 John Baynes S117.052 Greg Bokser S3.052 Stoney Creek Station Ltd	Amend GRUZ-O5 as follows: The value and long-term benefits of using ~~highly productive~~ rural land for primary production is recognised and the availability of highly productive land for primary production for future generations is protected.
FS17.074 Federated Farmers	Allow S3.052 Stoney Creek Station Ltd

4.5.1 The Panel acknowledges the submissions in support. As minor changes have been made to the provision these are accepted in part.

4.5.2 Federated Farmers and others sought reference to “current generations”. The Panel agrees with the submitter because this is consistent with the objective of the NPSHPL, which requires that these areas are protected now and into the future.

4.5.3 The Panel agrees with S113.052 Trudy Bokser and others that rewording of the objective is required and adopts the recommendations of Joanne Skuse to accept these submissions.

4.5.4 The Panel also considers that for the objective to be consistent with giving effect to the NPSHPL and its objective, in accordance with s74(1)(ea), GRUZ-O5 should refer specifically to “land based primary production” as the reason for protecting highly productive land. This approach accords with the position of Contact Energy, where in their original submission they stated:

> *8.1. Contact seeks that changes to the provisions to address the concerns it has raised in the submission above, and including any further necessary or additional changes to give effect to and/or properly recognise:*
>
> *8.1.1. Any national policy statements including the NPSREG, NPSIB and others that may be relevant to the Proposed Plan and activities which are undertaken by Contact.*

The Panel notes that the NPSHPL is relevant to activities undertaken by Contact because of allowance for “specified infrastructure” as defined in the NPSHPL to be located on highly productive land, which is a matter further discussed in the Infrastructure chapter decision. Contact rightly seeks that NPSs relevant to the PDP in general are given effect to through changes made in decisions, which the Panel accepts as a position consistent with the statutory framework for decisions.

4.5.4 Submissions S113.052 Trudy Bokser and others are accepted by amending Objective GRUZ-O5 as follows:

The value and long-term benefits of using ~~*highly productive*~~ rural *land* for *primary production* is recognised and the availability of *highly productive land* for land based *primary production* for current and future generations is protected.

4.6 Objective GRUZ-PREC13-O1

Submitter (S)	Decision Requested
S145.006 Rural Contractors NZ Incorporated	Retain objective as notified.
S17.003 Resolution Developments Ltd	Generally supportive of the proposed Precinct zoning over their land parcel subject to the matters raised under GRUZ-S2 and S4.

4.6.1 The Panel acknowledges these submissions in support of the objective and as no submissions seek changes to the provision these submissions are accepted.

4.7 Additional Objective Sought

Submitter (S) Further Submitter (FS)	Decision Requested
S130.043 Mercury NZ Ltd	Insert new objective: Renewable Electricity Generation Activities and Transmission: Enable the operation use development and upgrading of renewable electricity generation activities and transmission within the rural environment
FS24.059 Contact Energy Ltd	Allow S130.043 Mercury NZ Ltd

4.7.1 The Panel notes that renewable electricity generation activities and transmission is provided for in the Infrastructure chapter, and that Policy GRUZ-P13 recognises the need for critical infrastructure within the Rural zone, subject to appropriate caveats. Given these provisions, the Panel does not consider an additional objective is appropriate in this zone. Neither Mercury nor Contact provided any additional material to the Panel on this matter. Accordingly, submission S130.043 Mercury NZ Ltd is rejected.

4.8 Policy GRUZ-P2

Submitter (S) Further Submitter (FS)	Decision Requested
S145.007 Rural Contractors NZ Incorporated S126.147 Southland Federated Farmers of NZ S3.054 Stoney Creek Station Ltd S113.054 Trudy Bokser S116.054 Nathan Bokser S118.054 AW+ JA Johnston Family Trust S127.090 Peters Farm Ltd Karen Peters S18.056 Reaby Downs Farm Ltd S19.056 Karen Temple S20.056 Sarah and Peter Barclay S24.056 Helen McIntosh S68.058 John Baynes S115.148 Kevin Robertson S143.159 Rural Ratepayers Group S148.160 Alistair & Bernadette Hunt S60.150 Ronald Crispin S68.268 John Baynes S117.054 Greg Bokser	Retain GRUZ-P2 as notified.
S156.012 NZ Agricultural Aviation Assn S28.013 Ravensdown Ltd	Amend: Enable rural industry activities whilst ~~preserving~~ retaining rural character ~~rural amenity and~~ underlying Ngai Tahu relationships with the natural environment and productive capacity of the rural zone by ~~limiting~~ managing the nature, scale and location of such activities.
FS4.32 NZ Agricultural Aviation Assn	Allow S28.013 Ravensdown Ltd
S139.068 Hokonui Rūnanga Inc	Amend: Enable rural industry activities whilst preserving rural character, rural amenity, ~~underlying Ngāi Tahu relationships with the natural~~

	~~environment~~ the mauri of whenua, wai and ecosystems, and productive capacity of the rural zone by limiting the nature, scale and location of such activities.

4.8.1 The Panel acknowledges the submissions in support. As minor changes have been made to the provision, these are accepted in part.

4.8.2 Joanne Skuse at paragraphs 516 and 517 recommended amending the policy in response to the submission seeking changes in the wording. That is endorsed by the Panel for the reasons she gave.

4.8.3 Submissions S156.012 NZ Agricultural Aviation Assn and S28.013 Ravensdown Ltd are accepted in part and submission S139.068 Hokonui Rūnanga Inc accepted by amending Policy GRUZ-P2 as follows:

Enable *rural industry* activities ~~whilst preserving~~ while maintaining, and where practical enhancing, rural character, rural amenity, ~~underlying Ngāi Tahu relationships with the natural environment~~ the mauri of whenua, wai and ecosystems, and productive capacity of the rural zone by ~~limiting~~ managing the nature, scale and location of such activities.

4.9 Policy GRUZ-P4

Submitter (S) Further Submitter (FS)	Decision Requested
S126.148 Southland Federated Farmers of NZ S3.056 Stoney Creek Station Ltd S113.056 Trudy Bokser S116.056 Nathan Bokser S118.056 AW+ JA Johnston Family Trust S127.092 Peters Farm Ltd Karen Peters S18.058 Reaby Downs Farm Ltd S19.058 Karen Temple S20.058 Sarah and Peter Barclay S24.058 Helen McIntosh S68.060 John Baynes S115.149 Kevin Robertson S143.160 Rural Ratepayers Group S148.161 Alistair & Bernadette Hunt S60.151 Ronald Crispin S68.269 John Baynes S117.056 Greg Bokser S109.144 Department of Conservation	Retain GRUZ-P4 as notified
S110.048 Royal Forest and Bird Society of NZ Inc	Change: Recognise the benefits of conservation pest management ~~increasing~~ protection and enhancement of indigenous biodiversity riparian planting and fencing erosion prone areas.
FS25.133 Stoney Creek Station Ltd	Disallow S110.048 Royal Forest and Bird Society of NZ Inc

4.9.1 The Panel acknowledges the submissions in support. As minor changes have been made to the provision, these are accepted in part.

4.9.2 The Panel agrees with the assessment of Joanne Skuse at paragraph 529 of her s42A Report where she expressed the view that a change to the policy is appropriate, in a slightly modified form to that sought by Forest and Bird, for the policy to be consistent with the National Policy Statement for Indigenous Biodiversity.

4.9.3 Submission S110.048 Royal Forest and Bird Society of NZ Inc is accepted in part by amending GRUZ-P4 as follows:

Recognise the benefits of conservation, pest management, ~~increasing~~ the management and enhancement of indigenous *biodiversity*, riparian planting, and fencing erosion prone areas.

4.10 Policy GRUZ-P5

Submitter (S)	Decision Requested
S111.006 Aggregate and Quarry Assn S126.149 Southland Federated Farmers of NZ S3.057 Stoney Creek Station Ltd S113.057 Trudy Bokser S116.057 Nathan Bokser S118.057 AW+ JA Johnston Family Trust S127.093 Peters Farm Ltd Karen Peters S18.059 Reaby Downs Farm Ltd S19.059 Karen Temple S20.059 Sarah and Peter Barclay S24.059 Helen McIntosh S68.061 John Baynes S115.150 Kevin Robertson S143.161 Rural Ratepayers Group S148.162 Alistair & Bernadette Hunt S60.152 Ronald Crispin S68.270 John Baynes S117.057 Greg Bokser	Retain GRUZ-P5 as notified.
S135.005 Straterra Inc	Support this policy. Note that the benefits of mining relate to the use minerals have to the district and country as well as the jobs revenue tax and economic contribution etc. created by the mining activity itself.

4.10.1 The Panel acknowledges these submissions in support of the policy. While other submissions sought changes to the policy, these have been rejected. Accordingly, these submissions are accepted.

Submitter (S) Further Submitter (FS)	Decision Requested
S128.041 Greenbriar Ltd.	GRUZ-P5 Recognize the benefits of quarrying and mining activities on the local economy and supporting associated industries through enabling ~~small scale~~ quarries and mines.
S129.003 Waikaka Gold Mines Ltd	Edit GRUZ-P5 Recognise the benefits of quarrying and mining activities on the local economy and supporting associated industries through enabling small scale quarries and mines and providing for larger quarries and mines with appropriate effects management as set out in GRUZ-P6
S122.018 Fulton Hogan	Amend GRUZ-P5 as follows or similar wording: GRUZ-P5 Recognise the benefits of quarrying and mining activities on the local economy and supporting associated industries through enabling ~~small scale~~ quarries and mines provided the effects are avoided managed or mitigated.
FS11.049 Heritage NZ Pouhere Taonga	Disallow S122.018 Fulton Hogan

4.10.2 The Panel agrees with the assessment of Joanne Skuse at paragraph 540 of her s42A Report where she noted GRUZ-P5 provides a policy framework for GRUZ-R2 and GRUZ-R3 which enables small-scale mining and quarrying activities, while large scale mining and quarrying operations are considered in Policy GRUZ-P6. Accordingly, submissions S128.041 Greenbriar Ltd, S129.003 Waikaka Gold Mines Ltd and S122.018 Fulton Hogan are accepted in part and accommodated through amendment to GRUZ-P6 as set out in paragraph 4.11.3 below.

4.11 Policy GRUZ-P6

Submitter (S)	Decision Requested
S109.115 Department of Conservation S126.150 Southland Federated Farmers of NZ S3.058 Stoney Creek Station Ltd S113.058 Trudy Bokser S116.058 Nathan Bokser S118.058 AW+ JA Johnston Family Trust S127.094 Peters Farm Ltd Karen Peters S18.060 Reaby Downs Farm Ltd S19.060 Karen Temple	Retain as notified

S20.060 Sarah and Peter Barclay S24.060 Helen McIntosh S68.062 John Baynes S115.151 Kevin Robertson S143.162 Rural Ratepayers Group S148.163 Alistair & Bernadette Hunt S60.153 Ronald Crispin S68.271 John Baynes S117.058 Greg Bokser S111.007 Aggregate and Quarry Assn	

4.11.1 The Panel acknowledges the submissions in support. As changes have been made to the provision, these are accepted in part.

Submitter (S)	Decision Requested
S128.055 Greenbriar Ltd.	GRUZ-P6 Manage the environmental and cultural effects of quarrying and mining and avoid quarrying and mining activities that result in adverse cultural or environmental effects that cannot be avoided remedied mitigated offset or compensated for.
S135.006 Straterra Inc	Compensation should be added to the list as this is a recognised way of managing environmental effects as well as mitigating and offsetting.
S139.069 Hokonui Rūnanga Inc	Amend to read: "Manage ~~the environmental and cultural effects of quarrying and mining and avoid~~ quarrying and mining activities ~~that result in adverse cultural or environmental effects that cannot be avoided mitigated or offset.~~ to: i. In the first instance avoid adverse effects on the environment; and ii. Where it is not possible to avoid adverse effects from quarrying or mining require these effects to be mitigated or offset."
S129.004 Waikaka Gold Mines Ltd	Edit GRUZ-P6: Manage the environmental and cultural effects of quarrying and mining and ~~avoid~~ restrict quarrying and mining activities that result in adverse cultural or environmental effects that cannot be avoided remedied mitigated or offset

4.11.2 The Panel generally accepts the assessment of Joanne Skuse at paragraphs 548 - 553 of her s42A Report where she agreed that changes to the policy are appropriate, generally as sought by the submitters. However, having regard to the evidence and s32AA assessment of Megan Justice on behalf of Greenbriar, the Panel considers further changes are required to those recommended to be consistent with the National Policy Statement for Indigenous Biodiversity outside of areas of significant indigenous biodiversity, noting that the provisions of the Ecosystems and Indigenous Biodiversity chapter apply where relevant, including where areas of significant indigenous vegetation or significant habitats of indigenous fauna are impacted. The Panel also accepts in part the submissions of Greenbriar, Waikaka Gold and Fulton Hogan on GRUZ-P5, using these submissions as a basis to amend the policy to incorporate wording from GRUZ-P5 that can apply to larger scale mining activities.

4.11.3 S128.055 Greenbriar Ltd, S135.006 Straterra Inc, S139.069 Hokonui Rūnanga Inc and S129.004 Waikaka Gold Mines Ltd, S122.018 Fulton Hogan are accepted in part by amending Policy GRUZ-P6 as follows:

~~Manage the environmental and cultural *effects*~~ Recognise the benefits of *quarrying* and *mining* activities for the local and regional economy and supporting associated industries, and ~~avoid quarrying and mining activities that result in~~ where:

1. the extent of any adverse ~~cultural or environmental~~ effects ~~that cannot be be avoided, mitigated or offset~~ is significant:

   (a) in the first instance avoid those effects; and

   (b) where it is not possible to avoid those effects, require those effects to be remedied, mitigated, offset or compensated.

2. the extent of any adverse effects is less than significant, avoid, remedy or mitigate those effects.

4.12 Policy GRUZ-P7

Submitter (S) Further Submitter (FS)	Decision Requested
S156.013 NZ Agricultural Aviation Assn S63.017 NZ Helicopter Assn S28.014 Ravensdown Ltd S148.164 Alistair & Bernadette Hunt	Amend: Enable agricultural aviation activities and rural airstrips and helicopter landing areas to support primary production and conservation activities. ~~whilst managing the noise effects through controlling the location of airstrips and scope of their use~~
S109.116 Department of Conservation	Retain as notified
FS4.33 NZ Agricultural Aviation Assn FS18.21 NZ Helicopter Assn	Allow S63.017 NZ Helicopter Assn
FS4.35, FS4.36, FS4.37, FS4.38 NZ Agricultural Aviation Assn	Allow S28.014 Ravensdown Ltd, S143.163 Rural Ratepayers Group, S148.164 Alistair & Bernadette Hunt
S3.059 Stoney Creek Station Ltd S113.059 Trudy Bokser S116.059 Nathan Bokser S118.059 AW+ JA Johnston Family Trust S127.095 Peters Farm Ltd Karen Peters S18.061 Reaby Downs Farm Ltd S19.061 Karen Temple S20.061 Sarah and Peter Barclay S24.061 Helen McIntosh S68.063 John Baynes	Amend GRUZ-P7: Enable agriculture aviation activities and rural airstrips to support primary production and conservation activities whilst avoiding remedying or mitigating any adverse ~~managing the noise e~~ffects ~~through controlling the location of airstrips and scale of their use.~~
S115.152 Kevin Robertson S60.154 Ronald Crispin S68.272 John Baynes S117.059 Greg Bokser S126.151 Southland Federated Farmers of NZ S143.163 Rural Ratepayers Group	Amend GRUZ-P7: Enable agriculture aviation activities and rural airstrips to support primary production and conservation activities. ~~whilst managing the noise effects. through controlling the location of airstrips and scale of their use.~~
FS4.34 NZ Agricultural Aviation Assn	Allow S126.151 Southland Federated Farmers of NZ

4.12.1 At Decision 34, paragraph 5.6.14 the Panel has expressed the view that agricultural aviation activities, and associated airstrips, are an accepted part of the operation of farming activities and the amenity of the rural area within the Gore district. Consequential to that, the Panel agrees with the submissions of S115.152 Kevin Robertson and others to amend this policy. Similarly, the Panel acknowledges that helicopters are also used for farming and conservation activities, and it is appropriate to provide for these as part of the policy.

4.12.2 Decision 34 paragraph 5.6.14 also provides for agricultural aviation as a permitted activity without restriction. As a consequence, the Panel concludes that it is not necessary to refer to "avoid, remedy or mitigate" as part of the policy.

4.12.3 Submissions S156.013 NZ Agricultural Aviation Assn and others and S115.152 Kevin Robertson and others are accepted, and submissions S3.059 Stoney Creek Station Ltd and others are accepted in part by amending Policy GRUZ-P7 as provided for in Decision 34 at paragraph 6.1.2 as follows:

Enable *agriculture aviation activities*, ~~and~~ *rural airstrips* and helicopter landing areas to support *primary production* and conservation activities.~~, whilst managing the noise *effects* through controlling the location of airstrips and scale of their use~~.

4.13 Policy GRUZ-P8

Submitter (S)	Decision Requested
S121.081 Alliance Group Ltd S124.100 Fire and Emergency NZ S3.060 Stoney Creek Station Ltd S113.060 Trudy Bokser S116.060 Nathan Bokser S118.060 AW+ JA Johnston Family Trust S127.096 Peters Farm Ltd Karen Peters S18.062 Reaby Downs Farm Ltd S19.062 Karen Temple	Retain as notified

S20.062 Sarah and Peter Barclay S24.062 Helen McIntosh S68.064 John Baynes S117.060 Greg Bokser	

4.13.1 The Panel acknowledges the submissions in support. As minor changes have been made to the provision, these are accepted in part.

Submitter (S)	Decision Requested
S126.152 Southland Federated Farmers of NZ S115.153 Kevin Robertson S143.164 Rural Ratepayers Group S148.165 Alistair & Bernadette Hunt S60.155 Ronald Crispin S68.273 John Baynes	Amend GRUZ-P8: Enable residential activity where it: 1. does not compromise ~~rural~~ primary production**;** 2. is of a scale and location that does not compromise the rural character from any property or public place; and 3. can be suitably serviced including provision for telecommunications; and 4. does not amount to rural lifestyle or urban development; ~~and 5. reverse sensitivity effects on and of adjacent land uses are appropriately avoided or mitigated~~. Alternatively include as a new policy GRUZ-P9: Reverse sensitivity effects on and of adjacent land uses are appropriately avoided or mitigated.

4.13.2 The Panel adopts the assessment of Joanne Skuse at paragraphs 574 - 577 of her s42A Report where she agreed the changes sought in these submissions are appropriate.

4.13.3 Accordingly, submissions S126.152 Southland Federated Farmers of NZ and others are accepted by amending Policy GRUZ-P8 as follows:

Enable *residential activity* where it:

1. does not compromise ~~rural~~ *primary production*; ~~and~~
2. is of a scale and location that does not compromise the rural character from any property or *public place*; ~~and~~
3. can be suitably serviced, including provision for telecommunications; ~~and~~
4. does not amount to rural lifestyle or urban development; and
5. avoids, remedies or mitigates *reverse sensitivity effects* ~~on and of adjacent land uses are appropriately avoided or mitigated~~.

Submitter (S) Further Submitter (FS)	Decision Requested
S132.137 KiwiRail Holdings Ltd	Amend GRUZ-P8: 5. ensure reverse sensitivity effects on and of adjacent land uses are appropriately avoided or mitigated to protect the function and operation of the railway corridor.
S130.064 Mercury NZ Ltd	Enable residential activity where it...6. constrain the ability to utilise renewable energy resources.
FS24.054 Contact Energy Ltd	Allow S130.064 Mercury NZ Ltd

4.13.3 Michelle Grinlinton-Hancock linked the KiwiRail submission point to other points raised regarding the provision of a 5m setback from the rail corridor. Notwithstanding that the required setback within the General Rural Zone is 15 metres from boundaries for buildings great than 10m^2 in area and a 5m setback is not necessary, it is the view of the Panel that the policy is wider than that, focusing on all reverse sensitivity effects from activities within the General Rural Zone. The Panel considers that if reference is made to the rail corridor then other examples should also be included. In any case, a general policy as worded avoids the need to do that. Accordingly, submission S132.137 KiwiRail Holdings Ltd is rejected. The Panel notes acceptance of this outcome as set out in a letter dated 8 July 2024 from Michelle Grinlinton-Hancock on behalf of KiwiRail.

4.13.4 The Panel assumes that Mercury sought to restrict residential activity within the General Rural zone where it constrained the ability to utilise renewable energy resources. The Panel does not consider the addition sought would achieve that, but

considers the change made in 4.13.3 above will go some way to satisfy the submitter. Accordingly, submission S130.064 Mercury NZ Ltd is rejected.

4.14 GRUZ-P9

Submitter (S)	Decision Requested
S126.153 Southland Federated Farmers of NZ S3.112 Stoney Creek Station Ltd S126.153 Southland Federated Farmers of NZ S3.112 Stoney Creek Station Ltd S113.112 Trudy Bokser S116.112 Nathan Bokser S118.112 AW+ JA Johnston Family Trust S127.148 Peters Farm Ltd Karen Peters S18.114 Reaby Downs Farm Ltd S19.114 Karen Temple S20.114 Sarah and Peter Barclay S24.114 Helen McIntosh S68.116 John Baynes S115.154 Kevin Robertson S143.165 Rural Ratepayers Group S148.166 Alistair & Bernadette Hunt S60.156 Ronald Crispin S68.274 John Baynes S117.112 Greg Bokser	Retain GRUZ-P9 as notified.
S128.056 Greenbriar Ltd.	Neutral on Policy. Clarify what 'non-rural' activities includes

4.14.1 The Panel acknowledges the submissions in support of the policy. While other submissions seek changes to the policy, these have been rejected. Accordingly, submissions S126.153 Southland Federated Farmers of NZ and others are accepted.

4.14.2 With regard to the Greenbriar submission, the Panel notes the explanation of Joanne Skuse at paragraph 589 of her s42A Report where she stated the 'non-rural' activities, are activities other than primary production and rural industry, for example, educational facilities. No change is required to the policy, consequentially the submission is rejected. The Panel notes the acceptance of this outcome at paragraph 48 of the statement of evidence by Megan Justice on behalf of Greenbriar.

Submitter (S)	Decision Requested
S112.143 Waka Kotahi NZ Transport Agency	Amend GRUZ - P9: 5. there is adequate infrastructure available to service the activity including on-site servicing where reticulated services are not available and any new or existing access(es) onto roads that require upgrading. 9. there are measures to internalise effects and avoid conflict and potential reverse sensitivity effects on activities anticipated in the Zone including primary production and ancillary residential activity and between sensitive activities and the State highway network.
S132.138 KiwiRail Holdings Ltd	Amend GRUZ-P9 as follows: 5. there is ~~adequate~~ appropriate infrastructure available to service the activity (including the rail network) including on site servicing where .... 9. There are measures to internalise effects and avoid conflict and potential reverse sensitivity effects on activities anticipated in the Zone including primary production and ancillary residential activity and appropriately avoided or mitigated reverse sensitivity effects to protect the function and operation of the rail corridor.

4.14.3 NZTA sought inclusion of reference to access to the state highway network in clause 5. However, it is the view of the Panel that is already recognised in clause 6. NZTA also seeks inclusion of the state highway network as part of the consideration of reverse sensitivity. In that regard, the Panel accepts the assessment of Joanne Skuse at paragraph 590 of her s42A Report where she stated the reference to reverse

sensitivity in GUZ-P9 is to protect primary production activities, rather than the other way round. Accordingly, submission S112.143 Waka Kotahi NZ Transport Agency is rejected. The Panel notes the acceptance of this outcome at paragraph 5.2 of the statement of evidence by Helen Dempster on behalf of NZTA.

4.14.4 Joanne Skuse at paragraph 591 of her s42A Report recommended rejecting the KiwiRail submission and this was accepted by Michelle Grinlinton-Hancock on behalf of KiwiRail. Consequentially, submission S132.138 KiwiRail Holdings Ltd is rejected.

4.15 Policy GRUZ-P10

Submitter (S)	Decision Requested
S115.155 Kevin Robertson S143.166 Rural Ratepayers Group S148.167 Alistair & Bernadette Hunt S60.157 Ronald Crispin S68.275 John Baynes S111.008 Aggregate and Quarry Assn S128.057 Greenbriar Ltd. S126.154 Southland Federated Farmers of NZ	Retain GRUZ-P10 as notified.

4.15.1 The Panel acknowledges the submissions in support of the policy. While other submissions seek changes to the policy, these have been rejected. Accordingly, submissions S115.155 Kevin Robertson and others are accepted.

Submitter (S) Further Submitter (FS)	Decision Requested
S122.019 Fulton Hogan	Amend GRUZ-P10 to fully reflect the exceptions provided by clause 3.9 of the National Policy Statement for Highly Productive Land.
S113.061 Trudy Bokser S116.061 Nathan Bokser S118.061 AW+ JA Johnston Family Trust S127.097 Peters Farm Ltd Karen Peters S18.063 Reaby Downs Farm Ltd S19.063 Karen Temple S20.063 Sarah and Peter Barclay S24.063 Helen McIntosh S68.065 John Baynes S117.061 Greg Bokser S3.061 Stoney Creek Station Ltd	Amend GRUZ-P10 to align with the wording of the NPSHPL.
FS17.075 Federated Farmers	Allow S3.061 Stoney Creek Station Ltd
S129.005 Waikaka Gold Mines Ltd	Add a clause to the end of GRUZ-P10 to provide for temporary activities: 4. requiring remediation of highly productive land where activities result in temporary loss or reduction to the productive capacity of the land.

4.15.2 The Panel accepts the assessment of Joanne Skuse at paragraph 602 of her s42A Report where she stated:

> … the ways that highly productive land may be protected that are listed under GRUZ-P10 is not an exhaustive list, and the use of 'including by' indicates that there may be other ways. Further, there is nothing in the policy that indicates that the use of highly productive land for mining or aggregate extraction may be 'inappropriate'. The policy and rules that flow from the policy put in place a consenting pathway for these activities to be assessed. This is consistent with clause 3.9 of the NPS-HPL.

4.15.2 Arising from this assessment, the Panel does not agree with S113.061 Trudy Bokser and others that it is necessary to amend GRUZ-P10 to align with the wording of the NPSHPL. The Panel notes this outcome was acceptable to Federated Farmers. The Panel also notes that the nuances of the NPSHPL are provided for through the policy because of its generalised nature, although the detail of clauses 3.9 and 3.10 of the national direction are not included, which would make for a very complicated policy.

4.15.3 Accordingly, submissions S122.019 Fulton Hogan, S113.061 Trudy Bokser and others and S129.005 Waikaka Gold Mines Ltd are rejected.

Submitter (S)	Decision Requested
S132.139 KiwiRail Holdings Ltd	Amend GRUZ-P10: 3. avoiding and mitigating reverse sensitivity effects from sensitive and incompatible activities within and adjacent to highly productive land <u>including protecting the function and operation of the rail corridor.</u>

4.15.4 The Panel agrees with Joanne Skuse at paragraph 599 of her s42A Report where she stated the intent of the policy is to focus on protecting highly productive land rather than activities within the Rural Zone. This was accepted by Michelle Grinlinton-Hancock on behalf of KiwiRail. Consequentially, submission S132.139 KiwiRail Holdings Ltd is rejected.

4.16 Policy GRUZ-P11

Submitter (S)	Decision Requested
S101.082 Transpower NZ Ltd S112.144 Waka Kotahi NZ Transport Agency S145.008 Rural Contractors NZ Incorporated S126.155 Southland Federated Farmers of NZ S3.062 Stoney Creek Station Ltd S124.102 Fire and Emergency NZ S113.062 Trudy Bokser S116.062 Nathan Bokser S118.062 AW+ JA Johnston Family Trust S127.098 Peters Farm Ltd Karen Peters S18.064 Reaby Downs Farm Ltd S19.064 Karen Temple S20.064 Sarah and Peter Barclay S24.064 Helen McIntosh S68.066 John Baynes S115.156 Kevin Robertson S143.167 Rural Ratepayers Group S148.168 Alistair & Bernadette Hunt S60.158 Ronald Crispin S68.276 John Baynes S117.062 Greg Bokser	Retain Policy GRUZ-P11 as notified.

4.16.1 The Panel acknowledges these submissions in support of the policy and as no submissions seek changes to the policy these submissions are accepted.

Submitter (S)	Decision Requested
S128.058 Greenbriar Ltd.	Neutral - subject to clarification - what is 'incompatible'?

4.16.2 The Panel agrees with the explanation of Joanne Skuse at paragraph 614 of her s42A Report where she linked the word “incompatible” to the objectives, other policies and rules of this chapter, concluding the word is appropriate. Accordingly, submission S128.058 Greenbriar Ltd is rejected. The Panel notes the acceptance of this outcome at paragraph 48 of the statement of evidence by Megan Justice on behalf of Greenbriar.

4.17 Policy GRUZ-P12

Submitter (S) Further Submitter (FS)	Decision Requested
S109.117 Department of Conservation	Retain as notified
S130.044 Mercury NZ Ltd	GRUZ-P12 <u>manage</u> ~~Require~~ activities and development to maintain rural character rural amenity and the underlying Ngāi Tahu relationships with the natural environment by: ~~1. ensuring that buildings and structures are of a scale and height which is compatible with the rural character and amenity of the zone; and 2. requiring appropriate setbacks to~~

	~~waterways to maintain and enhance amenity values and natural character.~~
FS24.055 Contact Energy Ltd	Allow S130.044 Mercury NZ Ltd

4.17.1 The Panel acknowledges the submission in support of the policy. While another submission seeks changes to the policy, this has been rejected. Accordingly, these submission S109.117 Department of Conservation is accepted.

4.17.1 On initial consideration of the Mercury submission, the Panel saw merit in making the changes requested. However, it concludes that would duplicate Policy GRUZ-P11, and that there is benefit in having Policy GRUZ-P12 as worded focusing on the natural environment. The Panel also notes that Policy GRUZ-P13 deals with infrastructure and that may have been the intended focus of the Mercury submission. Accordingly, submission S130.044 Mercury NZ Ltd is rejected.

4.18 Policy GRUZ-P13

Submitter (S) Further Submitter (FS)	Decision Requested
S109.118 Department of Conservation	Retain as notified
S139.070 Hokonui Rūnanga Inc	Amend to read: "~~Recognise that Regionally Significant Infrastructure might be best located in the General Rural Zone except where there is an Outstanding Natural Landscape Outstanding Natural Feature Significant Natural Area Natural Hazard risk or Site of Significance to Māori.~~ Provide for Regionally Significant Infrastructure in the General Rural Zone except where: i. The activity would be inappropriate in an area of Outstanding Natural Landscape Outstanding Natural Feature or Significant Natural Area; ii. There is an unacceptable natural hazard risk; or iii. The site is wāhi tapu or the activity has a significant effect on cultural values that cannot be avoided or mitigated to an appropriate level."
S101.083 Transpower NZ Ltd	Amend Policy GRUZ-P13 as follows: "GRUZ-P13 Recognise that ~~Regionally Significant~~ critical Infrastructure might be best located in the General Rural Zone by enabling the operation maintenance and upgrading of critical infrastructure and providing for new critical infrastructure ~~except where there is an Outstanding Natural Landscape Outstanding Natural Feature Significant Natural Area Natural Hazard risk or Site of Significance to Māori.~~ "
FS24.056 Contact Energy Ltd	Allow S101.083 Transpower NZ Ltd
S130.045 Mercury NZ Ltd	GRUZ-P13 Recognise that Regionally Significant Infrastructure has a functional need to be ~~might be best l~~ocated in the General Rural Zone and effects on other significant values must be managed including ~~except where there is an~~ Outstanding Natural Landscape Outstanding Natural Feature Significant Natural Area ~~Natural Hazard risk~~ or Site of Significance to Māori.
FS24.057 Contact Energy Ltd	Allow S130.045 Mercury NZ Ltd

4.18.1 The Panel acknowledges the submission in support. As changes have been made to the provision, submission S109.118 Department of Conservation is accepted in part.

4.18.2 The submissions seeking changes to the policy were assessed at paragraphs 631 – 634 of the s42A Report, with a recommendation to amend the policy. The evidence of Amy Beran on behalf of Hokonui Runanga opposed some of the recommended changes. Joanne Skuse in her supplementary evidence amended her recommendation in incorporate the approach sought by Amy Beran. No other submitters provided evidence with regard to this provision.

4.18.3 The Panel agrees with the Transpower submission that sought deletion of reference to a range of matters that are addressed in other chapters of the Plan specific to matters of national importance. The Panel has considered elements of the Hokonui Rūnanga submission and evidence, the majority of which is addressed in other chapters of the

Plan. However, the reference to wāhi tapu and significant effects on cultural values is best retained because it is specific to critical infrastructure in the General Rural Zone, rather than a more generalised provision in the Māori Cultural Values chapter. The Panel view is that reference should not be limited only to avoiding or mitigating, in order to provide for the full range of responses in the Act, and that reference to "an appropriate level" should not be included because it is uncertain.

4.18.4 Submissions S139.070 Hokonui Rūnanga Inc, S101.083 Transpower NZ Ltd and S130.045 Mercury NZ Ltd are accepted in part by amending Policy GRUZ-P13 as follows:

Recognise ~~that Regionally Significant~~ *critical infrastructure* ~~might be best~~ that has a functional and operational need to locate~~d~~ in the General Rural Zone, by providing for the operation, maintenance and upgrading of *critical infrastructure* and development of new *critical infrastructure*, except where the site is wāhi tapu or the activity has a significant effect on Ngāi Tahu cultural values listed in MW-1.2 that cannot be avoided, remedied or mitigated ~~except where there is an Outstanding Natural Landscape, Outstanding Natural Feature, Significant Natural Area, Natural Hazard risk or Site of Significance to Māori~~.

4.18.5 The Panel has introduced GRUZ-P15 as part of the suite of changes in response to submissions S146.081 Southland District Council, S138.008 and S138.011 Port Blakely Limited, in order to differentiate between plantation forestry and exotic continuous-cover forestry and appropriately give effect to the NESCF in the context of the district.

4.18.6 The Panel has adopted some of the drafting of Joanne Skuse in response to Minute 16 but has written GRUZ-P15 to specifically address the issues identified regarding: impacts of exotic continuous-cover forestry on highly productive land; the need to support continued agricultural production in the district; and the need to consider effects of the activity on rural communities and rural production. The Panel has not incorporated reference to impacts on indigenous biodiversity because the NESCF only allows additional stringency where there are significant values identified, and this is managed in the Ecosystems and Indigenous Biodiversity chapter, as well as the Natural Features and Landscapes chapter. There is nothing distinct about the Gore district that would warrant greater stringency in relation to the matter of indigenous biodiversity generally when considering the justification test in relation to Regulation 6(4A) of the NESCF and s32(4) of the RMA.

4.18.7 Similarly, while the Panel agrees with the concerns of FENZ (S124.022) regarding the need to manage wildfire risk, the NESCF requires fire breaks as part of a forest management plan and the Panel has not identified anything distinct about the Gore district that would warrant additional stringency in relation to management of fire risk from exotic continuous-cover forestry.

4.18.8 The Panel accepts submission S146.081 Southland District Council and accepts in part submissions S138.008 and S138.011 Port Blakely Limited by including an additional policy as follows:

GRUZ-P15 Manage adverse effects of exotic continuous-cover forestry in the district by:

1. excluding the establishment of the activity on highly productive land;
2. requiring the activity to be part of a diversified farming operation; and
3. assessing the effects of the activity on rural communities and rural production, including cumulative effects.

4.19 Notes

Submitter (S)	Decision Requested
S101.084 Transpower	Add to Note 1: Infrastructure activities are provided for in the Infrastructure Chapter and the rules in this chapter do not apply to infrastructure activities.

4.19.1 Ainsley McLeod in her statement of evidence to the hearing considering submissions to the Infrastructure chapter sought the inclusion of the note above to the various zone chapters. Her evidence relied on the provisions in the National Planning Standards that outlined provisions in district plans relating to infrastructure are to be included in an Infrastructure chapter. At paragraph 32 of her statement, Ainsley McLeod stated:

> In my experience, the relationship between infrastructure specific provisions and other district plan provisions is a matter that arises in most plan-making processes. This is because, without explicit direction and clarity, provisions elsewhere in a district plan can give rise to tension, inconsistencies or conflicting direction.

3.4.2 In Decision 39 Infrastructure, the Panel has determined, generally in line with the case of Transpower that the provisions in the Infrastructure chapter have primacy over the provisions of the zone chapters. However, as that impacts on all zones, rather than include a Note in all zone chapters, the Panel prefers to include an explanation in the section of "How the Plan Works" with an appropriate provision in the Infrastructure chapter that has a status of a rule and therefore has force. Accordingly, submission S101.084 Transpower New Zealand Limited is rejected.

5 General Rural Zone: Rules

5.1 Rule GRUZ-R1

Submitter (S)	Decision Requested
S111.009 Aggregate and Quarry Association S135.007 Straterra Inc	Support GRUZ-R1

5.1.1 The Panel acknowledges the submissions in support. As changes have been made to the provision, these submissions are accepted in part.

Submitter (S) Further Submitter (FS)	Decision Requested
S104.027 McLeod-Wantwood Trust/Wantwood Station S105.027 Farm Manager - Wantwood Station S127.027 Peters Farm Ltd Karen Peters S113.064 Trudy Bokser S116.064 Nathan Bokser S118.064 AW+ JA Johnston Family Trust S127.100 Peters Farm Ltd Karen Peters S18.066 Reaby Downs Farm Ltd S19.066 Karen Temple S20.066 Sarah and Peter Barclay S24.066 Helen McIntosh S68.068 John Baynes S117.064 Greg Bokser S3.064 Stoney Creek Station Ltd	Activity Status: Permitted Where: 1. Any new or extended building (excluding farm fences and any farm buildings or structures) ~~structure and activity~~ complies with …
FS17.076 Federated Farmers	Allow in part S3.064 Stoney Creek Station Ltd

5.1.2 Joanne Skuse in her s42A Report initially recommended rejecting this submission but following consideration of the evidence from Clare Perkins on behalf of Stoney Creek Station, she accepted that there was an inconsistency in the rules that justified a change to this and other rules dealt with in this Decision. The Panel agrees with the need for changes to the provisions as set out by Claire Perkins, and after consideration of the wording recommended by Joanne Skuse adopts this subject to a minor wording change, removing reference to "extended" in clause (1) as this relates to an existing building and included in what is now clause (2).

5.1.3 Submissions S104.027 McLeod-Wantwood Trust/Wantwood Station and others are accepted in part by:Inserting a new Rule GRUZ-R1(2) as follows:

Extensions to buildings or structures, legally established before [date decisions notified] provided any existing non-compliance with GRUZ-S2, GRUZ-S3, GRUZ-S4, GRUZ-S5, GRUZ-S6, GRUZ-S7 and GRUZ-S8 is not increased.

Submitter (S) Further Submitter (FS)	Decision Requested
S109.119 Department of Conservation	Amend GRUZ-R1 to apply to all areas excluding Historic Heritage sites Significant Natural Areas Outstanding Natural Landscapes and Outstanding Natural Features.
FS17.077 Federated Farmers	Disallow S109.119 Department of Conservation

5.1.4 The Panel is of the view that the majority of Primary Production Activities should be permitted throughout the Rural Zone unless subject to District Wide Matters or overlays. In that regard, as noted by Joanne Skuse at paragraph 653 of her s42A Report, the rules within the ECO chapter and NFL chapters will manage primary production in areas where there are SNAs, outstanding natural landscapes and outstanding natural features. As a consequence, no addition is required to the rule and submission S109.119 Department of Conservation is rejected. The Panel notes Elizabeth Williams on behalf of the Department of Conservation accepted this outcome.

5.1.5 The Panel has also amended GRUZ-R1 as part of the suite of changes in response to submissions S146.081 Southland District Council, S138.008 and S138.011 Port Blakely Limited, in order to differentiate between plantation forestry and exotic continuous-cover forestry and appropriately give effect to the NESCF in the context of the district. Recognising that commercial forestry is included in the definition of "primary production" a separate rule framework is required, so that plantation forestry is managed by the NESCF (as indicated in amended policy GRUZ-P3) and exotic continuous-cover forestry is managed by new rule GRUZ-R21.

5.1.6 The Panel accept submission S146.081 Southland District Council and accept in part submissions S138.008 and S138.011 Port Blakely Limited, and amend GRUZ-R1 as follows:

Except that:

(a) This rule does not apply to Quarrying and Mining or exotic continuous-cover forestry, as those activities are subject to Rules GRUZ-R2, and GRUZ-R3 and GRUZ-R19.

(b) This rule does not apply to Commercial Forestry in an ~~ONL~~ Outstanding Natural Landscape, or ~~SNA~~ Significant Natural Area or area of significant vegetation or significant habitat of indigenous fauna.

Note: Commercial forestry is subject to rules NFL-R9, ECO-R~~15~~ and ECO-R6.

5.1.7 Consequential to the amendment to Rule GRUZ-R1 the following definition is required:

commercial forest or commercial forestry

Has the same meaning as per the National Environmental Standards for Commercial Forestry: Commercial forest or commercial forestry means exotic continuous-cover forestry or plantation forestry.

5.2 Rule GRUZ-R2

Submitter (S)	Decision Requested
S128.059 Greenbriar Ltd. S125.057 Ministry of Education	Retain as proposed

5.2.1 The Panel acknowledges the submissions in support. As changes have been made to the provision, these submissions are accepted in part.

Submitter (S)	Decision Requested
S135.008 Straterra Inc	Amend so that "The activity is not located on Highly Productive Land" be deleted. Or alternatively the definition of highly productive land should be amended to incorporate land containing minerals.

5.2.2 In Decision 15 at paragraph 3.7.2 the Panel has rejected the request of Straterra Inc to amend the definition of “highly productive land” to include reference to minerals, as the definition used comes from and is in accordance with the NPSHPL.

5.2.3 The Panel agrees with the explanation of Joanne Skuse at paragraph 662 of her s42A Report where she commented that the wording of GRUZ-R2 does not exclude the ability for highly productive land containing minerals to be mined but instead puts in a consenting pathway for this to be undertaken with consideration of the highly productive nature of the land. Accordingly, submission S135.008 Straterra Inc is rejected.

Submitter (S)	Decision Requested
S129.006 Waikaka Gold Mines Ltd	Edit clause 2 of GRUZ-R2 as follows: 2. The activity is not located on a land parcel greater than 20 hectares that is Highly Productive Land; and Add a new sub-clause (d) to GRUZ-R2(3): (d) 10m from any waterbody except an aquifer; Amend the activity status of GRUZ-R2 to Restricted Discretionary and add in the following matters of discretion: 1. Location and scale of the activity. 2. The timing and duration of the activity. 3. Sediment and erosion effects and management. 4. Effects on ground stability. 5. The effects on rural character and amenity values of the surrounding environment. 6. Any potential reverse sensitivity effects and/or conflict with existing activities and the ability to mitigate these effects. 7. Services. 8. Safety and suitability of access and effects on the transport network from additional traffic generation. 9. Protection of Highly Productive Land. 10. Impacts on Ngāi Tahu cultural values including those listed in MW-2.3. 11. The matters of discretion of any infringed standard

5.2.4 The Panel agrees with the explanation of Joanne Skuse at paragraph 663 of her s42A Report where she comments that the NPSHPL does not refer to a minimum area in defining Highly Productive Land, rather it relates to the characteristics of a site. The Panel agrees it would be inconsistent with the NPSHPL to adopt the minimum area approach suggested in the submission.

5.2.5 The Panel also agrees with Joanne Skuse that the potential effects of mining will vary considerably depending on the scale, location and nature of the mining operation and it is not reasonable to limit matters of discretion through a restricted discretionary activity status. The Panel notes that this also provides for appropriate application of the NPSHPL to the circumstances of a proposal. Accordingly, submission S129.006 Waikaka Gold Mines Ltd is rejected.

5.3 Rule GRUZ-R3

Submitter (S)	Decision Requested
S125.058 Ministry of Education	Retain as proposed.

5.3.1 The Panel acknowledges the submissions in support. As changes have been made to the provision, these submissions are accepted in part.

Submitter (S)	Decision Requested
S126.156 Southland Federated Farmers of NZ S115.157 Kevin Robertson S143.168 Rural Ratepayers Group S148.169 Alistair & Bernadette Hunt S60.159 Ronald Crispin S68.277 John Baynes	Under 3.9(1)(a) of the NPS-HPL use or development of highly productive land is provided for unless for 'Supporting activities' therefore quarrying activities for an existing farm quarry should be permitted. Amend GRUZ-R3: Activity status: Permitted Where (...) 3. The activity is not located on Highly Productive Land unless existing use rights apply; and 4. The area is progressively stabilised filled or recontoured; and (...)
S113.065 Trudy Bokser S116.065 Nathan Bokser S118.065 AW+ JA Johnston Family Trust S127.101 Peters Farm Ltd Karen Peters S18.067 Reaby Downs Farm Ltd S19.067 Karen Temple S20.067 Sarah and Peter Barclay S24.067 Helen McIntosh S68.069 John Baynes S117.065 Greg Bokser S3.065 Stoney Creek Station Ltd	Amend GRUZ-R3 as follows: Quarrying Activities Activity status: Permitted All areas excluding ONLs. 3. The activity is not located on Highly Productive Land unless it is a farm quarry; and 4. The area is progressively stabilised filled or recontoured; and 5. Any new building or structure relating to the quarrying activity ~~and activity~~ complies with General Rural Zone standards GRUZ-S2 GRUZ-S3 GRUZ-S4 GRUZ-S5 GRUZ-S6 GRUZ-S7 and GRUZ-S8 and Earthworks standards EW-S3 EW-S5 and EW-S7. No other Standards apply. Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: 12. The need for the activity to support primary production.
FS17.078 Federated Farmers	Allow S3.065 Stoney Creek Station Ltd

5.3.2 Joanne Skuse at paragraph 675 of her s42A Report recommended making changes to GRUZ-R3 in response to these submissions to provide consistency with the HPSHPL as noted by the submitters. In response to those recommended changes, Claire Perkins in evidence on behalf of Stoney Creek Station highlighted some potential confusion in the recommended wording. Joanne Skuse amended her recommended wording in her supplementary evidence and the Panel adopts this, with minor modification in layout, for the reasons given in the reports and evidence received.

5.3.3 Submissions S126.156 Southland Federated Farmers of NZ and others and S113.065 Trudy Bokser and others are accepted in part by amending:

1. Amending Rule GRUZ-R3 clause (3) as follows:

   ~~The~~ With the exception of a farm quarry and any lawfully established activity, the activity is not located on *Highly Productive Land*; and

2. Adding to Rule GRUZ-R3 Matters of Discretion:

   12 The extent the *farm quarry* supports *primary production*.

Submitter (S)	Decision Requested
S111.010 Aggregate and Quarry Association	We oppose making this distinction between quarrying and other primary production. Request: 3. "~~The activity is not located on highly productive land~~" Or alternatively the definition of highly productive land should be amended to incorporate quarrying land.
S122.020 Fulton Hogan	Amend GRUZ-R3 to provide setbacks that are appropriate for the type of quarrying activity being undertaken: 2. The quarrying activity has a total area of extraction open at any one time that does not exceed 2500 m2 and ~~is set back:~~ (a) Any excavation for extraction is set back at least 200 ~~500~~ metres from a sensitive activity; (b) The boundary of any aggregate processing area is at least 500 metres from a sensitive activity; (c) Any blasting activity is located at least 500 metres from a sensitive activity; or ~~or a zone boundary except with the General Industrial Zone (b) 100m from any side or rear boundary (c) 50m from any road~~ 3. The quarrying activity is a continuation of a lawfully established activity; and 4. The activity is not located on Highly Productive Land; and (...)

5.3.4 This is the same issue discussed in paragraph 5.2.3 above and for the same reasons submission S111.010 Aggregate and Quarry Association is rejected.

5.3.5 In the absence of any evidence from Fulton Hogan explaining why the setback distances should be varied from those notified, the Panel adopted the assessment provided by Joanne Skuse at paragraph 674 of her s42A Report. As noted by Joanne Skuse, arising from other points in the submission, some minor amendments are appropriate to better reflect the intent of the rule and to provide consistency with rules requiring setbacks from streams and rivers..

5.3.6 Accordingly, submission S122.020 Fulton Hogan is accepted in part by amending Rule GRUZ-R3 as follows:

Activity status: Permitted

Where

1. The *quarrying activity* is in relation to a *Farm Quarry* where:
   (a) the total area of extraction open at any one time does not exceed 1,500 m2; and
   (b) the activity is set back:
      (i) ~~the activity is set back~~ 100m from a *sensitive*; *activity*; and
      (ii) the distances from streams and rivers set out in in GRUZ-S7.
2. The *quarrying* activity has a total area of extraction open at any one time that does not exceed 2,500 m^2 and ~~is set back~~:
   (a) excavation for extraction activity, any aggregate processing area, and any blasting activity is setback:
      (i) 500 metres from a *sensitive activity* or a zone *boundary* except with the General Industrial Zone
      (ii) 100m from any side or rear *boundary*
      (iii) 50m from any *road boundary*; and
   (b) all other activity associated with the *quarry* activities is setback 50m from any boundary.
3. ~~The~~ With the exception of a farm quarry and any lawfully established activity, the [1]activity is not located on *Highly Productive Land* and
4. The area is progressively stabilised, filled or recontoured; and
5. Any new or relocated *building* or *structure* ~~and activity~~ complies with General Rural Zone standards GRUZ-S2, GRUZ-S3, GRUZ-S4, GRUZ-S5, GRUZ-S6, GRUZ-S7 and GRUZ-S8, ~~and Earthworks standards EW-S3, EW-S5 and EW-S7.~~

Submitter (S) Further Submitter (FS)	Decision Requested
S109.120 Department of Conservation	To ensure that consideration of adverse effects on ecological values including indigenous vegetation and habitats of indigenous fauna in line with the RMA NPS-IB and NPS-FM. Remove the activity status where compliance is not achieved from ~~Restricted Discretionary~~ to Discretionary (and all other associated amendments).
FS17.079 Federated Farmers	Disallow S109.120 Department of Conservation

5.3.7 Joanne Skuse at paragraph 677 of her s42A Report noted all earthworks, activities, buildings and structures are required to be setback from streams and rivers (GRUZ-S7 and EW-S3) and the Panel agrees that no addition is required to this rule. Joanne Skuse did suggest however that a matter of discretion it is appropriate to align the rule with GRUZ-P6 and GRUZ-O2 as this will assist in providing the relevant scope of

[1] Decision 19, paragraph 5.3.3

discretion to appropriately assess ecological values, indigenous vegetation and habitats of indigenous fauna in line with the RMA and NPS-IB and NPS-FW. Elizabeth Williams in her evidence on behalf of the Director-General of Conservation agreed with the recommended outcome on this submission.

5.3.8 Submission S109.120 Department of Conservation is accepted in part by adding to Rule GRUZ-R3 Matters of Discretion:

13 Effects on ecology values, including indigenous biodiversity, how these effects are avoided, remedied or mitigated and the potential for compensation or offsetting where appropriate.

5.4 Rule GRUZ-R4

Submitter (S) Further Submitter (FS)	Decision Requested
S145.010 Rural Contractors NZ Incorporated	Seeks amendment so that GRUZ-R4 does not apply to rural contractor depots. Amend GRUZ-R4 as follows: Rural Industry (excluding a Rural Contractor Depot) Activity status: Permitted Where: 1. Any new building structure and activity complies with standards GRUZ-S2 ~~GRUZ-S3 GRUZ-S4 GRUZ-S5 GRUZ-S6~~ GRUZ-S7 and GRUZ-S8. 4. ~~The activity~~ Any building or structure is setback at least 10m from any road boundary. 6. Any building must not exceed ~~The activity is over an area no greater than 1~~3000m2.
FS17.080 Federated Farmers	Allow S145.010 Rural Contractors NZ Incorporated
S145.009 Rural Contractors NZ Incorporated	GRUZ-R4 and GRUZ-R8 are too restrictive for rural contractor depots. RCNZ seek a new rule permitting small scale rural contractor depots with performance standards. GRUZ-R4A - Rural Contractor Depot All areas Activity status: Permitted Where: 1. Any new building structure and activity complies with standards GRUZ-S2 GRUZ-S7 and GRUZ-S8. 2. The rural contractor depot (including associated vehicle access parking and manoeuvring areas) is set back at least 50m from any side or rear boundary. 3. The rural contractor depot (including associated parking and manoeuvring areas) is set back at least 10m from any road boundary. 4. The activity has no customers coming to site; 5. There are a maximum of 12 staff working on site at any time. 6. Any building must not exceed 3000m2. Activity status where compliance is not achieved with: GRUZ-R4A(1) to GRUZ-R4A(6): Restricted Discretionary Matters of discretion: 1. Location and scale of the activity. 2. The effects on rural character and amenity values of the surrounding environment. 3. Any potential reverse sensitivity effects and/or conflict with existing activities and the ability to mitigate these effects. 4. Services. 5. Safety and suitability of access and effects on the transport network from additional traffic generation. 6. The matters of discretion of any infringed standard.

5.4.1 Both submissions from Rural Contractors NZ Incorporated in effect seek a new rule for Rural Contactors Depot similar to those applying to Rural Industry, with several changes as listed in the submission summary. As noted by Joanne Skuse at paragraph 685 of her s42A Report, Rural Contractors Depot falls within the definition of Rural Industry, and the Panel agrees with her that an additional definition is not required.

5.4.2 Joanne Skuse in assessing this submission point visited several Rural Contractors Depots and other Rural Industries in the Gore District. Having regard to these activities currently taking place in the Gore District, and the submission lodged, Joanne Skuse

recommended changes to the Rule GRUZ-R4. This is supported by Graeme Mathieson who submitted evidence on behalf of the submitter, and by the Panel for the reasons given by Joanne Skuse.

5.4.3 Submissions S145.010 and S145.009 Rural Contractors NZ Incorporated is accepted in part by amending Rule GRUZ-R4 as follows:

Activity status: Permitted

Where:

1. Any new or relocated *building*, *structure* and activity complies with standards ~~GRUZ-S2, GRUZ-S3, GRUZ-S4, GRUZ-S5~~, GRUZ-S6, GRUZ-S7 and GRUZ-S8.
2. There are no more than 20 customers coming to *site* on any day.
3. The activity is set back ~~100~~50m from any side or rear *boundary* and screened as follows:

   Either:

   (a) planting and/or landscaping to a minimum depth of 1 metre with species that will grow to at least 2m in height; or

   (b) mounding which has a maximum height of 2.5m and a minimum horizonal to vertical ratio of 2:1.

4. Any building or structure ~~The activity~~ is *setback* 10m from any *road boundary.*
5. There are a maximum of 12 staff working on-site at any point in time.
6. The activity is over an area no greater than ~~1~~5,000m^2.
7. The total building coverage for the activity shall be no more than 1,000m^2.

5.5 Rule GRUZ-R5

Submitter (S)	Decision Requested
S126.157 Southland Federated Farmers of NZ S3.066 Stoney Creek Station Ltd S113.066 Trudy Bokser S116.066 Nathan Bokser S118.066 AW+ JA Johnston Family Trust S127.102 Peters Farm Ltd Karen Peters S18.068 Reaby Downs Farm Ltd S19.068 Karen Temple S20.068 Sarah and Peter Barclay S24.068 Helen McIntosh S68.070 John Baynes S115.158 Kevin Robertson S143.169 Rural Ratepayers Group S148.170 Alistair & Bernadette Hunt S60.160 Ronald Crispin S68.278 John Baynes S117.066 Greg Bokser	Retain GRUZ-R5 as notified as it provides for woodlots as a permitted activity.

5.5.1 The Panel acknowledges these submissions in support of the rule. These submissions are accepted.

S99.032 Clark Fortune McDonald & Associates	In order to retain those high value soils for food production, new exotic forestry on highly productive land should be a discretionary activity. The objectives and policies seek protection of high soil values yet the establishment of new exotic forestry on these soils remains a permitted activity

5.5.2 The Panel received evidence at the hearing from representatives of Clark Fortune McDonald & Associates, as recorded in Minute 16. Concerns were expressed about:

- the loss of productive land impacting food production;
- planting of exotic trees for carbon credits as permanent land cover;

- the preferred benefits of indigenous trees as permanent land cover;
- loss of entire farms to permanent exotic tree cover rather than diversification within a farming operation;
- social well-being aspects of loss of farming families; and
- exacerbation of wilding tree issues.

5.5.3 The submission highlighted to the Panel a lack of clarity in the rule in terms of what it intended to allow. Arising from that, the Panel considers it appropriate to amend the definition of "woodlot" and introduce of new Rule GRUZ-R19. As a consequence of these changes, the Panel considered Rule GRUZ-R5 can remain as notified.

5.5.4 Joanne Skuse, in her response to Minute 16, provided a revised definition of "woodlot" to clarify that it does not include the two forms of "commercial forestry" as defined in the NESCF. The Panel notes that the NESCF excludes planted areas less than one hectare, which is therefore the cut-off point used to guide the regulations and the Plan rule framework. Plantings less than one hectare are woodlots that are permitted under GRUZ-R5. The Panel considered whether to include the one hectare limit in the rule or within the definition of "woodlot" and concluded that the simplest approach that would provide clarity to Plan users about the relationship between the Plan and the NESCF would be to amend the definition to reflect the NESCF exclusion.

5.5.5 Joanne Skuse in her recommendation listed other exclusions, for shelterbelts and trees planted for conservation purposes, but the Panel does not find the need for these references because they are not part of the listed purposes of a woodlot in the definition. Shelterbelts are an accepted part of "agricultural, horticultural and pastoral activities" and the Panel considers they fit with the definition of those activities. For the avoidance of doubt reference to shelterbelts is added to the definition.

5.5.6 The Panel accepts submission S99.032 Clark Fortune McDonald & Associates and S146.081 Southland District Council and accepts in part submissions S138.008 and S138.011 Port Blakely Limited, and amends the following definitions:

woodlot Means a stand of trees for the purposes of firewood, the creation of other wood products, a carbon sink, erosion control, pest, or wilding tree management purposes <u>that is less than one hectare in area.</u>~~, but excluding *plantation forestry.*~~

agricultural, horticultural and pastoral activities Means the use of land and / or buildings ~~which are used~~ for producing livestock, crops and other agricultural produce that is reliant on the soil resource of the land and includes storage of equipment and machinery associated with the activity <u>and shelterbelt planting</u> but excludes any processing, quarrying or direct sales.

5.6 Rule GRUZ-R6

Submitter (S) Further Submitter (FS)	Decision Requested
S113.067 Trudy Bokser S116.067 Nathan Bokser S118.067 AW+ JA Johnston Family Trust S127.103 Peters Farm Ltd Karen Peters S18.069 Reaby Downs Farm Ltd S19.069 Karen Temple S20.069 Sarah and Peter Barclay S24.069 Helen McIntosh S68.071 John Baynes S156.014 NZ Agricultural Aviation Assn S3.067 Stoney Creek Station Ltd S117.067 Greg Bokser S63.018 NZ Helicopter Association S87.009 Ballance Agri-Nutrients S109.121 Department of Conservation S28.015 Ravensdown Ltd S148.201 Alistair & Bernadette Hunt	Retain GRUZ-R6 as drafted.

FS18.20 NZ Helicopter Association	Allow S63.018 NZ Helicopter Association
FS4.39, FS4.40, FS4.41, FS4.42, FS4.43 NZ Agricultural Aviation Association	Allow S63.018 NZ Helicopter Association, S87.009 Ballance Agri-Nutrients, S109.121 Department of Conservation, S28.015 Ravensdown Ltd, S148.201 Alistair & Bernadette Hunt

5.6.1 The Panel acknowledges the submission in support of the rule. While another submission seeks changes to the rule, this has been rejected. Accordingly, these submissions are accepted.

Submitter (S)	Decision Requested
S99.033 Clark Fortune McDonald & Assoc	Clarification should be required in GRUZ-R6 as to whether "conservation activities" includes any associated buildings and development and these are to be assessed under GRUZ-R6.

5.6.2 Ben Wilson for Clark Fortune McDonald & Assoc at paragraphs 34 and 35 of his statement of evidence advised he agrees with Joanne Skuse that the conservation activity does not extend to buildings, and that these should be subject to appropriate standards and consent processes as buildings, rather than being indirectly enabled by association with conservation activities. The Panel accepts that explanation. As no change is required to the rule, submission S99.033 Clark Fortune McDonald & Assoc is rejected.

5.7 Rule GRUZ-R7

Submitter (S) Further Submitter (FS)	Decision Requested
S113.068 Trudy Bokser S116.068 Nathan Bokser S118.068 AW+ JA Johnston Family Trust S127.104 Peters Farm Ltd Karen Peters S18.070 Reaby Downs Farm Ltd S19.070 Karen Temple S20.070 Sarah and Peter Barclay S24.070 Helen McIntosh S68.072 John Baynes S117.068 Greg Bokser S3.068 Stoney Creek Station Ltd	Amend GRUZ-R7 to read: 1. For new residential units and new minor residential units standard GRUZ-S1 Density is met; and 2. Any new building ~~addition~~ or ~~external~~ alteration that increases the number of habitable rooms Activity status where compliance is not achieved with: GRUZ-R7~~(3)~~(2): Restricted Discretionary GRUZ-R7(3):~~Non-Complying~~ Discretionary
FS17.081 Federated Farmers	Allow S3.068 Stoney Creek Station Ltd

5.7.1 The submissions to Rule GRUZ-R7 raise the same issues arising from similar submissions to GRUZ-R1. For the reasons set out in paragraph 5.1.2 above, the Panel agrees similar changes are required in this rule.

5.7.2 Submissions S113.068 Trudy Bokser and others are accepted in part by amending Rule GRUZ-R7 as follows:

Activity status: Permitted

Where:

1. For new *residential units* and new *minor residential units,* standard GRUZ-S1 Density is met; and
2. Any new, extended or relocated *building*, ~~addition, or external alteration~~ and activity complies with zone standards GRUZ-S2, GRUZ-S3, GRUZ-S4, GRUZ-S5, GRUZ-S6 and GRUZ-S7; and
3. For new *minor residential units*, the maximum floor area shall be 80m^2; and
4. The new *residential unit* is connected to telecommunications services (whether hardwired or wireless).

5. Extensions to buildings or structures, legally established before [date of Decision] provided any existing non-compliance with GRUZ-S2, GRUZ-S3, GRUZ-S4, GRUZ-S5, GRUZ-S6, GRUZ-S7 and GRUZ-S8 is not increased.

Activity status where compliance is not achieved with:

GRUZ-R7(5): Restricted Discretionary

Matters of Discretion:

1 The matters of discretion of any infringed standard.

Submitter (S) Further Submitter (FS)	Decision Requested
S130.046 Mercury NZ Ltd	Activity status: Permitted Where: 4. The residential unit is connected to telecommunications services (whether hardwired or wireless). Where standards are exceeded resource consents shall consider: 1.reverse sensitivity effects on existing and authorised activities in the rural environment and; 2.Potential to constrain the ability to utilise renewable energy resources.
FS24.058 Contact Energy Ltd	Allow S130.046 Mercury NZ Ltd

5.7.3 As noted by Joanne Skuse at paragraph 709 of her s42A Report, for additional residential units breaching density or additional minor units, either a restricted discretionary consent is required, or non-complying. The matters of discretion for GRUZ-S1 include consideration of potential reverse sensitivity effects and/or conflict with existing activities. The Panel agrees with Joanne Skuse that the submitters concerns are covered by the existing provisions. Consequentially submission S130.046 Mercury NZ Ltd is rejected.

5.8 Rule GRUZ-R8

Submitter (S) Further Submitter (FS)	Decision Requested
S145.011 Rural Contractors NZ Incorporated	GRUZ-R4 also applies (as a rural contractor depot would be defined as a "rural industry"). Amend Industrial Activities (Including Light Industrial Activities but Excluding Rural Contractor Depots) Activity status: Permitted, Where: 1. The activity is a contractor yard (excluding rural contractor depots) or the activity involves the manufacturing of primary produce produced on site (excluding activities that are defined as rural industry); and
FS17.082 Federated Farmers	Allow S145.011 Rural Contractors NZ Incorporated

5.8.1 The Panel agrees with Joanne Skuse at paragraph 689 of her s42A Report where she stated that given the proposed amendments to GRUZ-R4 changes to GRUZ-R8 are not necessary. This was supported by Graeme Mathieson who submitted evidence on behalf of Rural Contractors NZ. Accordingly, submission S145.011 Rural Contractors NZ Incorporated is rejected.

5.9 Rule GRUZ-R9

Submitter (S)	Decision Requested
S3.069 Stoney Creek Station Ltd S113.069 Trudy Bokser S116.069 Nathan Bokser S118.069 AW+ JA Johnston Family Trust S127.105 Peters Farm Ltd Karen Peters S18.071 Reaby Downs Farm Ltd S19.071 Karen Temple S20.071 Sarah and Peter Barclay S24.071 Helen McIntosh S68.073 John Baynes S117.069 Greg Bokser	Retain GRUZ-R9 as drafted.

5.9.1 The Panel acknowledges the submissions in support. As a minor change has been made to the provision, these submissions are accepted in part.

Submitter (S)	Decision Requested
S126.158 Southland Federated Farmers of NZ S115.159 Kevin Robertson S143.170 Rural Ratepayers Group S148.171 Alistair & Bernadette Hunt S60.161 Ronald Crispin S68.279 John Baynes	A vet clinic may be required to operate outside of the hours of 0700 and 1900 due to an animal requiring care. There may be instances where a greater number of staff are required. Amend GRUZ-R9: 1. The activity is a: (a) Vet Clinic or (b) plant nursery or (c) sale of on-site produce or (d) Animal Boarding Activity; and ~~2. Hours of operation for people visiting the site are between 0700 and 1900; and 3. A maximum of 12 staff are on-site at any one time;~~

5.9.2 The Panel generally agrees with Joanne Skuse at paragraph 720 of her s42A Report where she stated that in her view the scale of activities provided for as permitted is appropriate for a rural area. The Panel is mindful however, that out of hours emergencies arise with regard to animal welfare from time to time and the rule needs to recognise this.

5.9.3 Submissions S126.158 Southland Federated Farmers of NZ and others are accepted in part by amending Rule GRUZ-R9(2)as follows:

Except for animal welfare emergencies, the hours of operation for people visiting the *site* are between 0700 and 1900; and

5.10 Rule GRUZ-R10

Submitter (S)	Decision Requested
S126.159 Southland Federated Farmers of NZ S115.160 Kevin Robertson S143.171 Rural Ratepayers Group S148.172 Alistair & Bernadette Hunt S60.162 Ronald Crispin S68.280 John Baynes	The Council should not restrict the staff numbers and hours of operation in the requirements. Amend GRUZ-R10: Where: 1. The activity is a rural based education facility centred on agriculture sector training; and ~~2. Hours of operation are between 0700 and 1900; and 3. A maximum of 12 people (staff and students) on site at any one time;~~
S125.060 Ministry of Education	Supports GRUZ-10 in part
S125.061 Ministry of Education	Education facilities should be provided for where there is a potential population to support them. Amend as follows: Education Facilities, Activity Status: Permitted Where: ~~1. The activity is a rural based education facility centred on agriculture sector training~~ 1. Hours of operation are between 0700 and 1900~~2. A maximum of 12 people (staff and students) on site at any one time~~ 2. Any new building structure and activity complies with zone standards GRUZ-S1 - GRUZ-S6 ~~Activity status where compliance not achieved with:GRUZ-R10(1) to GRUZ-R10(3): DiscretionaryGRUZ-R10(4): Restricted DiscretionaryMatters of discretion:1. The matters of discretion of any infringed standard.~~ Activity status where compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: 1. Adverse effects on the rural amenity values of adjoining rural properties and the surrounding area are avoided or mitigated; and 2. The character and quality of the surrounding area is not compromised; and 3. They contribute to the health and wellbeing of people in the surrounding area; and 4. The scale form and design of any building means the amenity values of the surrounding area are maintained; and 5. Road safety and efficiency is maintained; and 6. The activity has an operational or functional need to locate in the General Rural Zone. 7. The matters of discretion of any infringed standard.

5.10.1 Joanne Skuse in her s42A Report initially recommended rejecting this submission, but following consideration of the evidence from Federated Farmers, she accepted that rural based educational facilities were a special case, for example, as noted by Bernadette Hunt and Rachel Thomas in their joint statement of evidence, training activities include all activities on a farm including dairy milking demonstrations. The Panel agrees that the restrictions on the hours of operation should be deleted.

5.10.2 The Panel gave consideration to increasing the number of people allowed on a site and deleting clause (3) altogether. As the rule applies to all educational facilities, the Panel considers the scale provided with 12 persons on a site, including teachers and pupils, was appropriate in order to retain amenity, noting too that consent can be sought to increase that number by way of a discretionary activity.

5.10.3 The Panel has reflected on the purpose of the Ministry of Education submission and acknowledges that educational facilities other than for rural based education centred on agricultural sector training would be restricted discretionary under the rule, which would not be in keeping with the purpose of the zone. The Panel considers that such activities should remain discretionary. In addition, the reference to relocated buildings is included, which is a plan wide amendment.

5.10.4 The Panel accepts in part submissions S125.060 and S125.061 Ministry of Education and S126.159 Southland Federated Farmers of NZ and others, and amends GRUZ-R10 as follows:

Activity status: Permitted

Where:

1. The activity is a rural based *education facility* centred on agriculture sector training; and

~~2. Hours of operation are between 0700 and 1900; and~~

~~3~~2. A maximum of 12 people (staff and students) on *site* at any one time; and

~~4~~3. Any new, relocated or extended building, structure and activity complies with General Rural Zone standards GRUZ-S2, GRUZ-S3, GRUZ- S4, GRUZ-S5, GRUZ-S6, GRUZ-S7 and GRUZ-S8.

Activity status where compliance is not achieved with:

GRUZ-R10(1) to GRUZ-R10 (~~3~~2): Discretionary

GRUZ-R10(~~4~~3): Restricted Discretionary

Matters of discretion:

1. The matters of discretion of any infringed standard.

5.11 Rule GRUZ-R11

Submitter (S)	Decision Requested
S3.070 Stoney Creek Station Ltd S113.070 Trudy Bokser S116.070 Nathan Bokser S118.070 AW+ JA Johnston Family Trust S127.106 Peters Farm Ltd Karen Peters S18.072 Reaby Downs Farm Ltd S19.072 Karen Temple S20.072 Sarah and Peter Barclay S24.072 Helen McIntosh S68.074 John Baynes S117.070 Greg Bokser S148.202 Alistair & Bernadette Hunt	Retain GRUZ-R11 as drafted.

5.11.1 The Panel acknowledges the submissions in support. As a minor change has been made to the provision, these submissions are accepted in part.

Submitter (S)	Decision Requested
S126.184 Southland Federated Farmers of NZ S115.185 Kevin Robertson S143.196 Rural Ratepayers Group S148.197 Alistair & Bernadette Hunt S60.187 Ronald Crispin S68.305 John Baynes	Amend GRUZ-R11:2. The maximum occupancy does not exceed ~~5~~ **8** persons.

5.11.2 The Panel agrees with Joanne Skuse at paragraph 729 of her s42A Report where she recommended the occupancy is increased to 8 persons, and that in order to avoid any confusion, 'persons' is amended to 'guests' to clarify that this is in addition to those living permanently on site.

5.11.3 Submissions S126.184 Southland Federated Farmers of NZ and others are accepted by amending Rule GRUZ-R11(2) as follows:

The maximum occupancy does not exceed ~~5~~ 8 guests ~~persons~~.

5.12 Rule GRUZ-R12

Submitter (S)	Decision Requested
S126.160 Southland Federated Farmers of NZ S115.161 Kevin Robertson S143.172 Rural Ratepayers Group S148.173 Alistair & Bernadette Hunt S60.163 Ronald Crispin S68.281 John Baynes	The Council should restrict the hours of operation in the requirements. Amend GRUZ-R12 to remove: ~~3. Hours of operation are Ltd to between the hours 0700 and 1900; and 4. Unloading or loading of vehicles or the receiving of customers or deliveries only occur between the 0700 and 1900.~~

5.12.1 The Panel adopts the recommendation of Joanne Skuse at paragraph 731 of her s42A Report to delete clause (3) of the rule for the reasons given and notes acceptance of this outcome by Federated Farmers.

5.12.2 Submissions S126.160 Southland Federated Farmers of NZ and others are accepted by deleting Rule GRUZ-R12(3).

5.13 Rule GRUZ-R13

Submitter (S)	Decision Requested
S3.071 Stoney Creek Station Ltd S113.071 Trudy Bokser S116.071 Nathan Bokser S118.071 AW+ JA Johnston Family Trust S127.107 Peters Farm Ltd Karen Peters S18.073 Reaby Downs Farm Ltd S19.073 Karen Temple S20.073 Sarah and Peter Barclay S24.073 Helen McIntosh S68.075 John Baynes S117.071 Greg Bokser	Retain GRUZ-R13 as drafted.

5.13.1 The Panel acknowledges these submissions in support of the rule and as no submissions seek changes to the provision these submissions are accepted.

5.14 Rule GRUZ-R16

Submitter (S) Further Submitter (FS)	Decision Requested
S3.072 Stoney Creek Station Ltd S113.072 Trudy Bokser S116.072 Nathan Bokser S117.072 Greg Bokser S118.072 AW+ JA Johnston Family Trust S127.108 Peters Farm Ltd Karen Peters	Retain GRUZ-R16 as a permitted activity status for agricultural aviation activities.

S18.074 Reaby Downs Farm Ltd S19.074 Karen Temple S20.074 Sarah and Peter Barclay S24.074 Helen McIntosh S68.076 John Baynes	
FS4.46, FS4.48, FS4.49, FS4.50, FS4.51, FS4.52, FS4.53, FS4.54, NZ FS4.55, FS4.56, FS4.57 NZ Agricultural Aviation Association	Allow in part S3.072 Stoney Creek Station Ltd, S113.072 Trudy Bokser, S116.072 Nathan Bokser, S117.072 Greg Bokser, S118.072 AW+ JA Johnston Family Trust, S127.108 Peters Farm Ltd Karen Peters, S18.074 Reaby Downs Farm Ltd, S19.074 Karen Temple, S20.074 Sarah and Peter Barclay, S24.074 Helen McIntosh, S68.076 John Baynes as reference to GRUZ-S9 in GRUZ-R16.1 should be deleted.
S148.011 Alistair & Bernadette Hunt	We do not support the new rules restricting agricultural aviation.
FS4.22 NZ Agricultural Aviation Association	Allow S148.011 Alistair & Bernadette Hunt
S156.015 NZ Agricultural Aviation Assn S63.019 NZ Helicopter Association S87.010 Ballance Agri-Nutrients S28.016 Ravensdown Ltd	Amend: 1. The takeoff and landings are to or from a rural airstrip or helicopter landing area ~~which complies with GRUZ standard GRUZ-S9~~ 2. 2. Retain GRUZ R-16 2. (subject to the amendments sought in submission point S1.11 to NOISE-R8) Amend: default activity status to restricted discretionary. Add matters of discretion: Any mitigation of noise proposed in accordance with best practicable options. Hours of operation.
FS4.44 NZ Agricultural Aviation Assn FS18.19 NZ Helicopter Association	Allow S63.019 NZ Helicopter Association
FS4.45, FS4.47 Agricultural Aviation Assn	Allow S87.010 Ballance Agri-Nutrients, S28.016 Ravensdown Ltd

5.14.1 In Decision 34 at paragraph 5.6.14, the Panel has determined that agricultural aviation is an essential component of farming activities and an accepted part of the rural amenity in the Gore District. As a consequence, the Panel considers it appropriate to provide for agricultural aviation as a permitted activity within the Rural Zone without restriction.

5.14.2 Submissions S3.072 Stoney Creek Station Ltd and others and S148.011 Alistair & Bernadette Hunt are accepted, and submissions S156.015 NZ Agricultural Aviation Assn and others are accepted in part by revising Rule GRUZ-R16 as follows:

Activity Status: Permitted

~~Where:~~

~~1. The take-off and landings are to and from a *rural airstrip* or *helicopter landing area* which complies with General Rural Zone standard GRUZ-S9.~~

~~2. The activity complies with NOISE-R8 (Noise from the take-off and landing of *aircraft* and helicopters used for *agricultural aviation*).~~

Activity status where compliance not achieved:

~~Discretionary~~ N/A

5.15 Rule GRUZ-R17

Submitter (S)	Decision Requested
S130.047 Mercury NZ Ltd	The submitter seeks that development within the rural environment is managed and cognisant of reverse sensitivity effects on existing and authorised activities in the rural environment and potential to constrain the ability to utilise renewable energy resources.

5.15.1 As noted by Joanne Skuse at paragraph 750 of her s42A Report it is not clear what the submitter is expecting in response to this submission. In the absence of any evidence from Mercury clarifying their intent, submission S130.047 Mercury NZ Ltd is rejected.

Submitter (S)	Decision Requested
S3.073 Stoney Creek Station Ltd S113.073 Trudy Bokser S116.073 Nathan Bokser S118.073 AW+ JA Johnston Family Trust S127.109 Peters Farm Ltd Karen Peters S18.075 Reaby Downs Farm Ltd S19.075 Karen Temple S20.075 Sarah and Peter Barclay S24.075 Helen McIntosh S68.077 John Baynes S117.073 Greg Bokser	The rule table does not provide an activity status for Visitor Accommodation. It appears as though it is incorrectly referenced as GRUZ-R18 which is a discretionary activity. Provide a correct activity status reference for GRUZ-R17.

5.15.2 As noted by the submitters, the activity status has not been included in the rule and this requires correction.

5.15.3 Accordingly, submissions S3.073 Stoney Creek Station Ltd and others are accepted by amending Rule GRUZ-R17 as follows:

Activity status: Discretionary

Activity status where compliance is not achieved: N/A

5.16 Rule GRUZ-R18

Submitter (S)	Decision Requested
S125.062 Ministry of Education	Retain as proposed.
S130.048 Mercury NZ Ltd	The submitter seeks that development within the rural environment is managed and cognisant of reverse sensitivity effects on existing and authorised activities in the rural environment and potential to constrain the ability to utilise renewable energy resources.

5.16.1 The Panel acknowledges the submission in support of the rule and as no submissions seek changes to the provision submission S125.062 Ministry of Education is accepted.

5.16.2 As outlined in paragraph 5.15.1 above it is not clear what the submitter is expecting in response to this submission. In the absence of any evidence from Mercury clarifying their intent, submission S130.048 Mercury NZ Ltd is rejected.

5.17 Rule GRUZ-R20

Submitter (S) Further Submitter (FS)	Decision Requested
S113.074 Trudy Bokser S116.074 Nathan Bokser S118.074 AW+ JA Johnston Family Trust S127.110 Peters Farm Ltd Karen Peters S18.076 Reaby Downs Farm Ltd S19.076 Karen Temple S20.076 Sarah and Peter Barclay S24.076 Helen McIntosh S68.078 John Baynes S117.074 Greg Bokser S3.074 Stoney Creek Station Ltd	Non-complying status for activities that are not otherwise provided for is extremely stringent. Amend GRUZ-R20 to read: All other activities Activity Status: ~~Non-complying~~ Permitted 1. Any activities including associated buildings not otherwise provided for in the list of rules that comply with all General Rural Zone standards. Activity Status where compliance is not achieved: ~~N/A~~ Discretionary
FS17.083 Federated Farmers	Allow S3.074 Stoney Creek Station Ltd
S130.049 Mercury NZ Ltd	This has the potential to affect REG. Activity status: Non-complying 1. Any activities including associated buildings not otherwise provided for in the list of rules. 2. Excludes provision of critical infrastructure / renewable electricity generation activities.

5.17.1 The Panel agrees with the view of Joanne Skuse in her s42A Report where she stated:

> 755 In relation to GRUZ-R20, the zone rules have been constructed to enable (permitted or controlled activity), manage (restricted-discretionary or discretionary activity) or avoid (non-complying or prohibited activities) activities depending on their appropriateness

within the GRUZ. The GRUZ objectives and policies have been designed to align with this framework.

756 Where the limits or standards of these activities are not met, resource consent as a restricted discretionary activity is required, rather than as a discretionary activity consent under the Operative District Plan. Development that does not meet bulk and location standards also typically default to restricted discretionary activities. The GRUZ typically enables primary production and rural industry but avoids activities that may result in reverse sensitivity effects on primary production activities (GRUZ-P10) such as large-scale retail activities and rural lifestyle activities that are not supporting primary production (GRUZ-R7). While there may be activities that the PDP has not anticipated that default to non-complying, this is appropriate as they would then be considered against the objectives and policies of the zone in which the activity is proposed, as required by assessment of activities under section 104.

5.17.2 Mercury seeks an addition to the rule exempting critical infrastructure. Given this is provided by rules in the Infrastructure chapter, the Panel does not consider it necessary to make the addition sought.

5.17.3 Having regard to these matters, submissions S113.074 Trudy Bokser and others, and S130.049 Mercury NZ Ltd are rejected.

5.18 Exotic Continuous Cover Forestry

5.18.1 The Panel has introduced GRUZ-R19 as part of the suite of changes in response to submissions S146.081 Southland District Council, S138.008 and S138.011 Port Blakely Limited, in order to differentiate between plantation forestry and exotic continuous-cover forestry and appropriately give effect to the NESCF in the context of the district.

5.18.2 The Panel agrees with Joanne Skuse, in her response to Minute 16, that a discretionary activity status is appropriate for exotic continuous-cover forestry outside of highly productive land. This recognises that land based primary production in the district will be occurring on a range of soil types and that there is value in being able to consider the circumstances of each case where exotic continuous-cover forestry is proposed.

5.18.3 A controlled activity status was not considered to be appropriate by the Panel because there is a need to reserve discretion for the Council to decline an application, depending on the circumstances of the case, such as cumulative effects on a particular rural community for instance.

5.18.4 The Panel has considered a restricted discretionary activity status but prefers that the objectives and policies of the Plan as a whole are brought to bear on a case by case basis, with specific policy support to guide decisions on planting of exotic continuous-cover forestry that is proposed in the General Rural Zone. The costs to an applicant will be comparable between a restricted discretionary activity and a fully discretionary activity.

5.18.5 Adopting a discretionary activity status is based on the reliance of the district on agriculture as a mainstay of the local economy, and as a cornerstone of the regional economy of Southland.

5.18.6 The Panel also agrees with Joanne Skuse that a non-complying activity status is appropriate for exotic-continuous-cover forestry on highly productive land, in order to protect the productive capacity of that land. The Panel acknowledges that the definition of “productive capacity” in the NPSHPL is dependent upon the definition of land based primary production, which as previously noted does not distinguish between productive plantation forestry that is harvested and replanted and exotic continuous-cover forestry that is not intended for harvest. The Panel notes that the NPSHPL pre-dates changes to the NESPF, which was specific to plantation forestry.

The NPSHPL does not, therefore, distinguish between the two types of forestry within the definition of land based primary production because the prevalent activity at the time the NPSHPL came into to effect, which was subject to national direction under the NESPF, was plantation forestry.

5.18.7 The Panel considers that it is important to provide for the social, cultural and economic well-being of communities in the district, particularly rural communities reliant on agriculture, by discouraging the establishment of exotic continuous-cover forestry on highly productive land. The Panel considers that this best meets the needs of the district, and the wider region, and appropriately gives effect to both the NPSHPL and the NESCF, and is in accordance with the purpose of Regulation 6(4A) of the NESCF.

5.18.8 The Panel accepts submission S146.081 Southland District Council and accepts in part submissions S138.008 and S138.011 Port Blakely Limited, by introducing a new Rule GRUZ-R19, as follows:

GRUZ-R19 *Exotic continuous-cover forestry*

Activity status: Discretionary

Where:

1. The activity is not located on *highly productive land*

Activity status where compliance not achieved: Non-complying

6. General Rural Zone: Standards

6.1 Standards General

Submitter (S)	Decision Requested
S3.063 Stoney Creek Station Ltd S113.063 Trudy Bokser S116.063 Nathan Bokser S118.063 AW+ JA Johnston Family Trust S127.099 Peters Farm Ltd Karen Peters S18.065 Reaby Downs Farm Ltd S19.065 Karen Temple S20.065 Sarah and Peter Barclay S24.065 Helen McIntosh S68.067 John Baynes S117.063 Greg Bokser	Amend table headings from "Standards" to "Standards for Permitted Activities". Insert a guidance note clarifying whether Standards are applicable to all activities or only those listed within the relevant Rule. Clarify the relationship between rules and standards and whether standards are to be treated as standalone rules.

6.1.1 Joanne Skuse, at paragraphs 430 and 431 of her s42A Report noted that the Standards apply across a range of statuses, and it would be incorrect to limit them only to permitted activities. She expressed the view that the “How The Plan Works” chapter adequately describes the role of Standards. The Panel disagrees and considers an addition is required to that chapter for clarification.

6.1.2 Submissions S3.063 Stoney Creek Station Ltd and others are accepted in part by adding the following to How the Plan Works:

Layout of Rules

The rules in the District Plan are set out in tables, with the columns showing the status of the activity subject to the rule. This is followed in most cases with a list of conditions that must be complied with for that status to apply. These conditions can include reference to Standards, either in that chapter or elsewhere.

If one or more of the stated conditions or standards is not complied with then the right hand column in the table lists the status of that consent, which can be controlled, restricted discretionary, discretionary or non-complying. The District Plan does not contain any prohibited activities. Where the matter of non-compliance is associated with one or more of the listed Standards, then the standard itself will set the status of a resource consent, which is frequently

"restricted discretionary" and those matters listed as being Matters of Discretion associated with the standard need to be considered, along with any other matters listed in the rule itself.

In some cases, the status of the resource consent is subject to conditions also, with a more restrictive status potentially applying if those conditions are not met.

6.2 Standard GRUZ-S1

Submitter (S)	Decision Requested
S148.006 Alistair & Bernadette Hunt	Supports the increased 8 ha limit for rural subdivision.

6.2.1 The Panel acknowledges the submission in support of the rule. While other submissions seek changes to the rule, these have not been accepted. Accordingly, this submission is accepted.

Submitter (S)	Decision Requested
S126.161 Southland Federated Farmers of NZ S115.162 Kevin Robertson S143.173 Rural Ratepayers Group S148.174 Alistair & Bernadette Hunt S60.164 Ronald Crispin S68.282 John Baynes	Primary production farms require multiple dwellings for staff accommodation often in close proximity to each other. Amend GRUZ-S1: 3. There shall be a maximum density of ~~one~~ three minor residential units per site Matters of discretion: 1. The necessity of the additional residential unit or minor residential unit. ~~to support primary production~~.
S3.075 Stoney Creek Station Ltd	Amend GRUZ-S1 as follows: Density: 1. There shall be no more than one residential unit (not including minor residential units) per 40 hectares; and 2. For sites under 40 hectare no more than one residential unit (not including minor residential units) per site; and 3. There shall be a maximum density of one minor residential unit per site
S99.034 Clark Fortune McDonald & Assoc	Amend GRUZ-S1 to limit one minor residential unit per residential unit. Alternatively add a provision that requires a discretionary or restricted discretionary activity for any site that has more than one minor unit.

6.2.2 The Panel recognises the desirability of providing accommodation for farm workers on the property, and that this would frequently be provided in what the District Plan describes as a "minor residential unit". The Panel agrees with CFMA, and Joanne Skuse at paragraph 241 of her s42A Report, that additional provision is required in this regard.

6.2.3 Federated Farmers and others requested the purpose of the dwelling not be limited to supporting primary production. Given the approach of the National Planning Standards to direct non-farming rural dwellings to areas zoned for Rural Lifestyle, the Panel does not support this change, primarily because of the potential adverse effects on rural amenity and productivity.

6.2.4 Rachel Thomas and Bernadette Hunt, in their joint statement of evidence on behalf of Federated Farmers, considered a more flexible approach was required to enable accommodation to be provided for family members and live-in staff. The Panel notes that as a permitted activity additional dwellings are enabled on properties exceeding 80 ha or as a minor residential unit, and it considers this is sufficient to meet the reasonable needs of families. Beyond that, the Panel considers the restricted discretionary pathway appropriate. However, the Panel does agree an addition is required to the rule for clarity.

6.2.5 Submissions S126.161 Southland Federated Farmers of NZ and others, S3.075 Stoney Creek Station Ltd and S99.034 Clark Fortune McDonald & Assoc are accepted in part by amending Standard GRUZ-S1 as follows:

Activity status where compliance is not achieved:

Restricted Discretionary

Where:

There is a minimum density of 8ha per residential unit, or

There is a minimum density of 8ha per minor unit.

Activity status where compliance is not achieved with GRUZ-S1(4) and (5):
Non-Complying

Submitter (S) Further Submitter (FS)	Decision Requested
S105.025 Farm Manager - Wantwood Station S127.025 Peters Farm Ltd Karen Peters S104.025 McLeod-Wantwood Trust/Wantwood Station S113.075 Trudy Bokser S116.075 Nathan Bokser S118.075 AW+ JA Johnston Family Trust S127.111 Peters Farm Ltd Karen Peters S18.077 Reaby Downs Farm Ltd S19.077 Karen Temple S20.077 Sarah and Peter Barclay S24.077 Helen McIntosh S68.079 John Baynes	Amend rule GRUZ-S1 as follows: 1. There shall be no more than one residential unit per 2 ~~40~~ hectares; and 2. For sites under 2 ~~40~~ hectare no more than one residential unit per site;
FS22.065 Clark Fortune McDonald & Assoc	Allow S104.025 McLeod-Wantwood Trust/ Wantwood Station

6.2.6 The Panel agrees and adopts the following response of Joanne Skuse at paragraph 70 of her supplementary evidence:

> In relation to GRUZ-S1 and density, a two-hectare minimum lot size and/or density is reflective of a rural lifestyle sized site and does not suitably align with the NPS-HPL. The proposed minimum lot size of the General Rural Zone is to avoid rural lifestyle development which in turn protects the General Rural Zone for primary production, and other activities that rely on the rural resource. Increased rural lifestyle living further negatively impacts the primary productive resource through reverse sensitivity effects. I note that 8ha is a minimum and it is anticipated that most productive farms will require significantly more land than 8ha. This lot size is to provide greater flexibility for a range of existing and future rural production opportunities. Furthermore, additional rural lifestyle development has been enabled in the district through the creation of the RLZ zone, as well as recognition and growth of the Settlements, to provide a range of housing choice.

6.2.7 Accordingly, submissions S105.025 Farm Manager - Wantwood Station and others are rejected.

Submitter (S)	Decision Requested
S130.050 Mercury NZ Ltd	Matters of discretion: Add 8. ability to constrain the future use of renewable energy resources.

6.2.8 As outlined in paragraph 5.15.1 above it is not clear what the submitter is expecting in response to this submission. In the absence of any evidence from Mercury clarifying their intent, submission S130.050 Mercury NZ Ltd is rejected.

6.3 Standard GRUZ-S2

Submitter (S) Further Submitter (FS)	Decision Requested
S17.001 Resolution Developments Ltd	In the Rural Industry Precinct, wording changed to: The maximum building coverage shall not exceed 5 percent per site where the building is used for a rural industry activity on sites greater than 7,000m². Where sites are equal to or less than 7,000m² building coverage shall not exceed 25 percent of the site.
FS17.084 Federated Farmers	Allow S17.001 Resolution Developments Ltd

6.3.1 The Panel notes from the assessment of Joanne Skuse at paragraph 777 of her s42A Report that given the nature of the land within the Rural Industry Precinct large lot

development is anticipated, and for new lots the minimum lot size of 8ha still applies. Providing for a building coverage of 5% enables buildings on an 8 ha site to have an area of 4,000 square metres, and even bigger on larger lots. The Panel considers that appropriate in a rural setting. If a large building is proposed on an existing small lot, the Panel is of the view that assessment is required through the resource consent process. Accordingly, submission S17.001 Resolution Developments Ltd is rejected.

6.4 Standard GRUZ-S3

Submitter (S) Further Submitter (FS)	Decision Requested
S3.076 Stoney Creek Station Ltd S113.076 Trudy Bokser S116.076 Nathan Bokser S118.076 AW+ JA Johnston Family Trust S127.112 Peters Farm Ltd Karen Peters S18.078 Reaby Downs Farm Ltd S19.078 Karen Temple S20.078 Sarah and Peter Barclay S24.078 Helen McIntosh S68.080 John Baynes S117.076 Greg Bokser	Amend GRUZ-S3 to read: 4. Whether the building is located on high class soils and whether it is for a supporting activity.
FS17.085 Federated Farmers	Allow S3.076 Stoney Creek Station Ltd

6.4.1 Joanne Skuse at paragraph 778 of her s42A Report recommended accepting this submission. The Panel agrees for the reasons set out in the report. The Panel also notes that to ensure consistency with the NPSHPL reference to "high class soils" should be amended to "highly productive land".

6.4.2 Submissions S3.076 Stoney Creek Station Ltd and others are accepted by amending Standard GRUZ-S3 Matters of Discretion, as follows:

4. Whether the *building* is located on ~~high class soils~~ *highly productive land* and whether it is for a supporting activity.

6.4.3 As a consequential change, the same amendment is appropriate in Standard GRUZ-S2.

6.5 Standard GRUZ-S4

Submitter (S) Further Submitter (FS)	Decision Requested
S17.002 Resolution Developments Ltd	GRUZ-S4-3. - Buildings greater than 500 square metres are setback 200m except for in the Rural Industry Precinct (PREC13) where the setback is ~~100m~~ 10m**.** Also request that a 10m wide green buffer strip is added to the plan similar to that shown adjacent to Saleyard Road. This will address setback issues externally and internally for staged development
S3.077 Stoney Creek Station Ltd S113.077 Trudy Bokser S116.077 Nathan Bokser S118.077 AW+ JA Johnston Family Trust S127.113 Peters Farm Ltd Karen Peters S18.079 Reaby Downs Farm Ltd S19.079 Karen Temple S20.079 Sarah and Peter Barclay S24.079 Helen McIntosh S68.081 John Baynes	Amend GRUZ-S4 as follows: Setback to Side and Rear Boundaries All Areas: Any building is setback from any side or rear boundary the minimum distances as follows: 3. Buildings greater than 500 square metres are setback ~~200m~~ 50m except for in the Rural Industry Precinct (PREC13) where the setback is 100m; Matters of discretion: 7. The ownership of the adjoining site and whether it forms part of the same farming operation.
FS17.086 Federated Farmers	Allow S3.077 Stoney Creek Station Ltd
S115.163 Kevin Robertson S143.174 Rural Ratepayers Group S148.175 Alistair & Bernadette Hunt S60.165 Ronald Crispin S68.283 John Baynes S117.077 Greg Bokser	Amend GRUZ-S4: 3. Buildings greater than 500 square metres are setback ~~200~~50m except for in the Rural Industry Precinct (PREC13) where the setback is 100m;

S126.162 Southland Federated Farmers of NZ	
FS25.134 Stoney Creek Station Ltd	Allow S126.162 Southland Federated Farmers of NZ

6.5.1 The Panel agrees with Joanne Skuse at paragraph 779 of her s42A Report where she stated:

> In relation to the setback requirements from side and rear boundaries, the notified PDP requires a 200m setback for buildings over 500m^2. The intent of the rule is to provide a permitted pathway for very large-scale buildings, used for example as wintering barns. It is necessary to setback these buildings from neighbouring boundaries to reduce potential nuisance effects and thus reverse sensitivity. I further consider that buildings of this size have the potential to result in adverse visual effects and reduce the open character of the zone. I consider the submitter has not provided sufficient evidence to justify reducing the setback, or how reducing the setback will achieve GRUZ-O2. Should compliance with the setback not be achieved a consent pathway is provided via a restricted discretionary activity consent.

6.5.2 The Panel adopts that assessment, and notes that no submitter provided the Panel with any additional information or evidence on this matter. Accordingly, submissions S17.002 Resolution Developments Ltd and S115.163 Kevin Robertson and others are rejected.

6.5.3 The Panel recognises that many farm properties are held in separate titles in a way that they are defined as separate sites. The Panel considers it impractical to require compliance with the setback requirements for individual sites, rather, the setback requirements should only apply to a property as a whole that is held in contiguous ownership. This was highlighted by Claire Perkins at paragraphs 6.26 – 6.28 in her statement of evidence on behalf of Stoney Creek Station, and her suggested amendment is considered appropriate by the Panel. Her approach is considered more effective and efficient than requiring resource consent approval arising from non-compliance with the standard as notified and is consistent with the objectives of the zone and the purpose of the RMA.

6.5.4 Submissions S3.077 Stoney Creek Station Ltd and others are accepted in part by amending Standard GRUZ-S4 as follows:

Any building is setback from any side or rear boundary <u>of a site not owned by the same landowner</u> the minimum distances as follows:

Submitter (S) Further Submitter (FS)	Decision Requested
S99.035 Clark Fortune McDonald & Ass	In GRUZ-S4 the 30m setback from side or rear boundary for residential buildings is impractical for many existing sites. The ODP setback of 6m should be retained by proposed PDP provision.
FS5.163 Hamish Weir	Allow S99.035 Clark Fortune McDonald & Ass

6.5.4 Ben Wilson on behalf of Clark Fortune in his statement of evidence expressed the view that a 30m setback is excessive and not justified, resulting in inefficient land use, creating a larger area of less productive land constrained between a dwelling and the boundary than would be achieved with a smaller setback. The Panel however favours the 30 metre setback as notified, recognising that buildings of less than 10m^2 have a setback of 2m and other buildings 15m and no submissions were lodged opposing those requirements.

6.5.5 If the submission was accepted non-residential buildings would be required to locate further from the boundary than residential buildings. The standard does not prevent other activities associated with the dwelling, such as parking and storage, and other buildings such as garages and shed locating closer to the side and rear boundaries. The Panel also considers such a setback assists in retaining an open rural amenity

and mitigating the potential for reverse sensitivity effects. Accordingly, submission S99.035 Clark Fortune McDonald & Ass is rejected.

6.6 Standard GRUZ-S5

Submitter (S) Further Submitter (FS)	Decision Requested
S126.163 Southland Federated Farmers of NZ S115.164 Kevin Robertson S143.175 Rural Ratepayers Group S148.176 Alistair & Bernadette Hunt S60.166 Ronald Crispin S68.284 John Baynes	Amend GRUZ-S5: Any building or structure is setback from any road boundary the minimum distances as follows: 1. Residential buildings are setback: (a) ~~100~~50m from the boundary of an Interregional Connector road (state highway);
S3.078 Stoney Creek Station Ltd S113.078 Trudy Bokser S116.078 Nathan Bokser S118.078 AW+ JA Johnston Family Trust S127.114 Peters Farm Ltd Karen Peters S18.080 Reaby Downs Farm Ltd S19.080 Karen Temple S20.080 Sarah and Peter Barclay S24.080 Helen McIntosh S68.082 John Baynes S117.078 Greg Bokser	Amend GRUZ-S5 as follows: 1. Residential buildings are setback: (a)~~100m~~ 50m from the boundary of an Interregional Connector road (state highway) 5. All other buildings and structures except fences and farm infrastructure Matters of discretion: 8. The functional or operational need for the building to be located within the road setback.
FS14.025 NZ Transport Agency Waka Kotahi	Disallow S3.078 Stoney Creek Station Ltd
S99.036 Clark Fortune McDonald & Assoc *Note: Incorrectly referred to GRUZ-S6 in the submission*	Without adequate justification the ODP setback of 50m should be retained by proposed PDP provision.
FS5.164 Hamish Weir	Allow S99.036 Clark Fortune McDonald
FS14.026 NZ Transport Agency Waka Kotahi	Disallow S99.036 Clark Fortune McDonald

6.6.1 The Panel adopts, for the reasons given, the recommendation of Joanne Skuse in her supplementary evidence to reduce the setback of dwellings to 50m as sought and to include reference to farm infrastructure. The inclusion of an additional matter of discretion as sought by Stoney Creek and others is not necessary in the view of the Panel, as clause 6 refers to "the reasons for the reduced setback".

6.6.2 Submissions S126.163 Southland Federated Farmers of NZ and others, and S99.036 Clark Fortune McDonald & Assoc are accepted, and submissions S3.078 Stoney Creek Station Ltd and others are accepted in part by amending Standard GRUZ-S5 as follows:

1. Residential buildings are setback:

   (a) ~~100~~50m from the boundary of an *Interregional Connector road* (state highway);

5. All other buildings and structures, except fences and farm infrastructure, are setback 15m.

6.6.3 As a consequential change, Standard GRUZ-S4 is amended as follows:

5. All other buildings, except fences and farm infrastructure, are setback 15m.

6.7 Standard GRUZ-S6

Submitter (S)	Decision Requested
S125.059 Ministry of Education	Retain as proposed.

6.7.1 The Panel acknowledges the submission in support of the standard and as no submissions seek changes to the rule this submission is accepted.

6.8 Standard GRUZ-S7

Submitter (S) Further Submitter (FS)	Decision Requested
S126.164 Southland Federated Farmers of NZ S115.165 Kevin Robertson S143.176 Rural Ratepayers Group	Amend GRUZ-S7: 1. Any building or structure (not including farm fences) is set back from the top of the

S148.177 Alistair & Bernadette Hunt S60.167 Ronald Crispin S68.285 John Baynes	closest bank of any stream or river the minimum distance as follows:
S113.079 Trudy Bokser S116.079 Nathan Bokser S118.079 AW+ JA Johnston Family Trust S127.115 Peters Farm Ltd Karen Peters S18.081 Reaby Downs Farm Ltd S19.081 Karen Temple S20.081 Sarah and Peter Barclay S24.081 Helen McIntosh S68.083 John Baynes S3.079 Stoney Creek Station Ltd S117.079 Greg Bokser	Amend setbacks from stream and river Any building or structure (excluding fences for stock exclusion) is set back from the top of the closest bank of any stream or river the minimum distance as follows: Matters of discretion: 8. Whether the activity will result in environmental benefits through the exclusion of stock.
FS5.165 Hamish Weir	Allow S3.079 Stoney Creek Station Ltd
S104.026 McLeod-Wantwood Trust/ Wantwood Station S105.026 Farm Manager - Wantwood Station S127.0262 Peters Farm Ltd Karen Peters	Amend as follows: Setbacks from stream and river All activities (excluding fencing) 1. Any building or structure is set back from the top of the closest bank of any stream or river the minimum distance as follows: (d) exception being farm fences which are required to be a minimum of 5m.

6.8.1 Joanne Skuse in her s42A Report at paragraphs 263 – 297 provided a detailed assessment of the rationale of this Standard and the accompanying River and Stream Order maps in Appendix 3. The Panel accepts the appropriateness of restricting buildings and other structures in proximity to waterways, particularly given the provisions of the NPSFM, with the setback distance determined by the size of the waterway. Having regard to the assessment of Joanne Skuse, the Panel accepts that the setback distances are appropriate.

6.8.2 The Panel agrees with the submitters and Joanne Skuse that it is appropriate to provide for fences within the setback area. Several submitters highlighted the ecological benefits of such fencing. Arising from the submissions, Joanne Skuse, at paragraph 296 of her s42A Report recommended an addition to the Standard to enable fences within the setback subject to conditions. This recommendation was accepted by Federated Farmers.

6.8.3 Claire Perkins at paragraphs 6.33 – 6.35 in her statement of evidence on behalf of Stoney Creek Station also agreed with the recommendation but sought a further addition qualifying that wire mesh fencing was not suitable within areas subject to actual or potential inundation. Joanne Skuse, at paragraph 74 of her supplementary evidence accepted the appropriateness of that addition.

6.8.4 The agreed outcome arrived at by the submitters and Joanne Skuse is adopted by the Panel. As Standard GRUZ-S7 is identical to standards in the majority of zones consequential changes are also required in these other provisions.

6.8.5 In paragraph 6.6.2 above, provision has been made for farm infrastructure. The Panel recognises that definition does not provide for bridges across drains and small streams, and such structures are an important part of farm operations and have ecological benefit. The Panel does not consider it appropriate to provide for bridges as part of farm infrastructure given the differences in size and hence adverse effects that can arise. Rather, and consequential to the decision to include farm infrastructure in the Plan, the Panel considers bridges a relevant matter to consider with regard to the setback from rivers and streams given they are a structure.

6.8.6 At paragraph 87 of her Supplementary evidence, Joanne Skuse noted the rule framework recommended may result in structures such as bridges requiring consent. In her view an allowance could be made for some permitted threshold, based on scale, or potentially determined by the stream order. That was echoed by those appearing

at the hearing on behalf of Stoney Creek. In considering this matter, the Panel considers that bridges crossing Lower Order streams and rivers are small in scale and effect and were appropriate as a permitted activity, noting that the Earthworks chapter managed any construction work undertaken.

6.8.7 Submissions S126.164 Southland Federated Farmers of NZ and others, and S113.079 Trudy Bokser and others; S104.026 McLeod-Wantwood Trust/ Wantwood Station, S105.026 Farm Manager - Wantwood Station S127.026 Peters Farm Ltd Karen Peters are accepted in part by amending Standard GRUZ-S7 as follows:

Any building or structure is set back from the top of the closest bank of any stream or river the minimum distance as follows:

a. 20m for high order rivers or streams (order 5 and above);

b. 10m for middle order rivers or streams (order 3 and 4); and

c. 5m for low order rivers or streams (order 1 and 2).

Except that:

d. Fences of post and wire construction are permitted within the setback where these are:

(i) not constructed with wire mesh if located within an area of Actual or Potential Inundation as identified within the Natural Hazards layer of the Planning Maps;

(ii) not located within the stream or river bed;

(iii) not constructed across the stream or river channel; or

(iv) not constructed across or along a stopbank.

e. Flat deck bridges are permitted within the setback of lower order rivers and streams (order 1 and 2) where these are:

(i) not constructed within an area of Actual or Potential Inundation as identified within the Natural Hazards layer of the Planning Maps; and

(ii) of a width that does not exceed 3 metres

Refer to Appendix 3 for river and stream orders and guidance on riverbed extents and the location of banks for measuring setbacks.

6.8.8 Consequential to this decision, for consistency changes are required to the following Standards in the chapter and zone provisions listed below.

	Clause (d) Fence	Clause (e) Bridge
Infrastructure Chapter		
Earthworks Chapter		
Large Lot Residential Zone	LLRZ-S7	LLRZ-S7
General Residential Zone	GRZ-S7	
Medium Density Residential Zone	MRZ-S6	MRZ-S6
General Rural Zone	GRUZ-S7	GRUZ-S7
Rural Lifestyle Zone	RLZ-S7	RLZ-S7
Settlement Zone	SETZ-S7	SETZ-S7
Light Industrial Zone	LIZ-S5	
General Industrial Zone	GIZ-S5	
Natural Open Space Zone	NOSZ-S4	NOSZ-S4
Sport and Active Recreation Zone	SARZ-S5	SARZ-S5
Airport Zone	AIRPZ-S4	AIRPZ-S4
Maori Purpose Zone	MPZ-S5	MPZ-S5
Camp Columba Zone	CCZ-S2	CCZ-S2
Field Days Zone	FDZ-F5	FDZ-F5

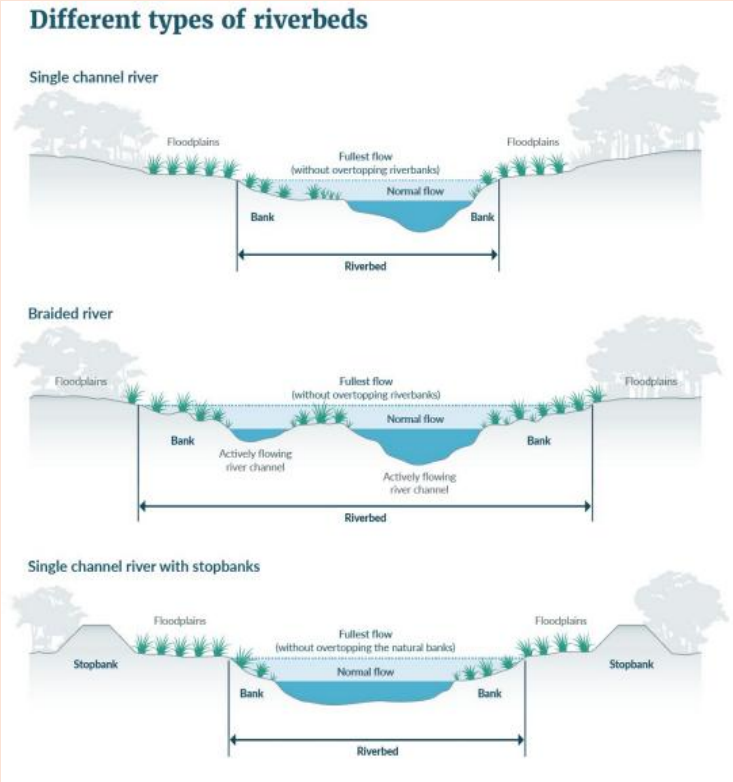
Submitter (S)	Decision Requested
S109.122 Department of Conservation	Retain GRUZ-S7 with amendments and include an appropriate setback from any wetland and explanatory diagrams. Amend the assessment matters listed in matters of discretion to include: 3. The nature of existing riparian vegetation and ~~the effects~~ opportunities for enhancement and restoration of proposed planting or ~~modification on~~ for indigenous biodiversity and /or habitats. X. any adverse effects on indigenous vegetation and habitats of indigenous fauna and proposed mitigation measures. Y. methods proposed to monitor or inspect the works undertaken Z. the timing of works to minimise adverse effects on threatened or at risk indigenous species. x. management of potential adverse effects through a Council Authorised Biodiversity Management Plan. Insert a diagram which demonstrates where the river and wetland setback is measured from

6.8.9 At paragraph 290 of her s42A Report, Joanne Skuse recommended accepting this submission in part. The Panel generally endorses that recommendation for the reasons set out in the Report, particularly the conclusion of Joanne Skuse that including reference to wetlands was inappropriate given the provisions of the NESFM. This recommendation was accepted by Elizabeth Williams in her statement of evidence on behalf of the Director-General of Conservation.

6.8.10 The one alteration not adopted word for word by the Panel relates to the "Council Authorised Biodiversity Management Plan". The s42A Report assessing submissions to the Ecosystems and Indigenous Biodiversity chapter recommended amendment to this term to incorporate a "Biodiversity Management Plan" definition. It is the view of the Panel that in some cases it is appropriate to maintain or enhance biodiversity values within the margins of streams and rivers and a Biodiversity Management Plan is an effective tool to assist in achieving that.

6.8.11 Submission S109.122 Department of Conservation is accepted in part by:

1. including the following diagram in Appendix 3 River and Stream Order:



2. amending Standard GRUZ-S7 Matters of Discretion 3 as follows:

   The nature of existing riparian vegetation and the effects of proposed planting or modification on indigenous *biodiversity* and ~~/or habitats~~ proposed mitigation measures, including:

   (a) opportunities for enhancement and restoration;

   (b) methods proposed to monitor or inspect the works undertaken;

   (c) the timing of works to minimise adverse effects on threatened or at risk indigenous species; and

   (d) management of potential adverse effects through a *Biodiversity Management Plan*.

6.8.12 As a consequential change to (2) above, the corresponding provision in the following chapters and zones is also amended:

Chapter / Zone	Provision	Zone	Provision
Infrastructure chapter	INFR-S5	Mixed Use Zone	MUZ-S5
Earthworks chapter	EW-S3	Town Centre Zone	TCZ-S6
Large Lot Residential Zone	LLRZ-S7	Light Industrial Zone	LIZ-S5
General Residential Zone	GRZ-S7	General Industrial Zone	GIZ-S5
Medium Density Residential Zone	MRZ-S6	Sport and Active Recreation Zone	SARZ-S5
General Rural Zone	GRUZ-S7	Natural Open Space Zone	NOSZ-S4
Rural Lifestyle Zone	RLZ-S7	Airport	AIRPZ-S4
Settlement Zone	SETZ-S7	Maori Purpose Zone	MPZ-S5
Neighbourhood Centres Zone	NCZ-S5	Camp Columba	CCZ-S2
Local Centre Zone	LCZ-S6	Field Days	FDZ-F5

6.9 Standard GRUZ-S8

Submitter (S) Further Submitter (FS)	Decision Requested
S115.166 Kevin Robertson S126.165 Southland Federated Farmers of NZ S143.177 Rural Ratepayers Group S148.178 Alistair & Bernadette Hunt S60.168 Ronald Crispin S68.286 John Baynes	Remove this standard or increase the maximum height across the entire Rural Zone to 15m.
FS16.010, FS16.009, FS16.011 FS16.012, FS16.013, FS16.014 Fire and Emergency NZ	Allow S68.286 John Baynes, S148.178 Alistair & Bernadette Hunt, S115.166 Kevin Robertson, S60.168 Ronald Crispin, S143.177 Rural Ratepayers Group, S126.165 Southland Federated Farmers of NZ

6.9.1 Rachel Thomas and Bernadette Hunt in their joint statement of evidence on behalf of Federated Farmers at paragraph 39 stated:

> GRUZ-S8 specifies a height of 12m for all areas in the rural zone except PREC13 Rural Industry Precinct. We do not see any reason why the height is not consistent across the rural zone. A tractor or pole shed which is used daily on a working farm for storing machinery could be, although unlikely, around 14-15m high. We stand by our original submission to apply a consistent height of 15m across the rural zone. considered a more flexible approach

6.9.2 The Panel notes the 15 metre height restriction in the Rural Industry Precinct reflects the height standard in the General Industrial Zone and the Rural Industry Precinct applies to a relatively small area. The Panel considers the 15 metre height allowed for industrial activities is appropriate, but for amenity reasons does not consider it appropriate to provide for that throughout the General Rural Zone. The Panel considers the 12 metres height allowed is more than adequate for nearly all activities in the rural areas. The Panel does not consider it appropriate to provide for a very small number of cases where a greater height is sought. That is the role of the consenting process, so that the effects of the proposal can be assessed. Accordingly, submissions S115.166 Kevin Robertson and others are rejected.

6.10 Standard GRUZ-S9

Submitter (S) Further Submitter (FS)	Decision Requested
S156.016 NZ Agricultural Aviation Assn S63.020 NZ Helicopter Assn S87.011 Ballance Agri-Nutrients S28.017 Ravensdown Ltd	Delete GRUZ- S9
FS4.58, FS4.61 NZ Agricultural Aviation Assn	Allow S63.020 NZ Helicopter Association, S28.017 Ravensdown Ltd
FS18.18 NZ Helicopter Association	Allow S63.020 NZ Helicopter Association
FS4.59 NZ Agricultural Aviation Association	Allow S87.011 Ballance Agri-Nutrients
S3.080 Stoney Creek Station Ltd S113.080 Trudy Bokser S116.080 Nathan Bokser S118.080 AW+ JA Johnston Family Trust S18.082 Reaby Downs Farm Ltd S19.082 Karen Temple S20.082 Sarah and Peter Barclay S24.082 Helen McIntosh S68.084 John Baynes S127.116 Peters Farm Ltd Karen Peters S117.080 Greg Bokser	Amend GRUZ-S9 as follows: 1. Any rural airstrip or helicopter landing area is separated by at least 500m from any notional boundary <u>to a noise sensitive activity</u> on a site not being serviced by the use of the rural airstrip or helicopter landing area.~~; and 2. The flight path to the helicopter landing area is not within a horizontal distance of 250m of any notional boundary to a noise sensitive activity.~~
FS18.33 NZ Helicopter Association	Disallow in part S3.080 Stoney Creek Station Ltd removing Item 2.
FS4.60, FS4.62, FS4.63, FS4.64, FS4.6, FS4.66, FS4.67, FS4.68, FS4.69, FS4.70, FS4.71 NZ Agricultural Aviation Association	Disallow S3.080 Stoney Creek Station Ltd, S113.080 Trudy Bokser, 116.080 Nathan Bokser, S118.080 AW+ JA Johnston Family Trust, S18.082 Reaby Downs Farm Ltd, S19.082 Karen Temple, S20.082

	Sarah and Peter Barclay, S24.082 Helen McIntosh, S68.084 John Baynes, S127.116 Peters Farm Ltd Karen Peters, S117.080 Greg Bokser

6.10.1 In Decision 34 the Panel has expressed the view that agriculture aviation activities, and associated airstrips, are an accepted part of the operation of farming activities and the amenity of the rural area of the Gore District. Rule GRUZ-R16 has been amended as a consequence to remove the conditions applying to the permitted activity status for agricultural aviation activities in the General Rural Zone. As a corollary to those decisions, Standard GRUZ-S9 is no longer required and is deleted.

6.10.2 Submissions S156.016 NZ Agricultural Aviation Assn and others are accepted, and submissions S3.080 Stoney Creek Station Ltd and others are accepted in part by deleting Standard GRUZ-S9.

6.11 Additional Standard Sought

Submitter (S)	Decision Requested
S143.002 Rural Ratepayers Group	Greater setbacks for forests from property boundaries. Dust suppression by water tank when logging trucks are travelling on gravel roads and traffic is heavy.

6.11.1 The Panel notes that setbacks for forests from property boundaries are required under Regulation 14 of the NESCF as follows:

(a) 10 m of the boundary where the adjoining property is not owned by the owner of the commercial forest; or

(b) 40 m of a dwelling on an adjoining property or such greater distance as required so that the forest species when fully grown would not shade a dwelling between 10 am and 2 pm on the shortest day of the year, except where topography already causes shading; or

(c) within 30 m of the boundary of land zoned in a district plan as a papakāinga or an urban area; or

(d) within 10 m of a significant natural area.

6.11.2 The District Plan must not include restrictions more onerous than these provisions.

Submitter (S)	Decision Requested	
S146.109 Southland District Council	Excellent idea. The "Gore District - Southwest" map appears to be slightly truncated.	
S104.032 McLeod-Wantwood Trust/ Wantwood Station	Appendix 3 - River and stream order	Align setbacks with higher order planning documents as setback requirements are greater than Central Government ruling for fencing for stock exclusion.
S105.032 Farm Manager - Wantwood Station	Appendix 3 - River and stream order	Align setbacks with higher order planning documents.
S127.032 Peters Farm Ltd Karen Peters	Appendix 3 - River and stream order	Align setbacks with higher order planning documents.

6.11.3 The Panel agrees with Joanne Skuse at paragraph 307 of her s42A Report where she stated that dust from logging trucks would be a similar effect to the dust generated by any other trucks that frequent rural areas, such as milk tankers. She added that while the dust generated by logging trucks is of a limited duration, as it would commonly occur when a forest is harvested, other trucks would be generating dust year-round. The Panel notes dwellings are required to be setback 30m from an unsealed road, and

this will assist in reducing adverse effects from dust. The submitter has not provided any information to the Panel to assist in understanding this issue.

6.11.4 Having regard to the matters above, submission S143.002 Rural Ratepayers Group is rejected.

6.12 Appendix 3 River and Stream Order

6.12.1 The support for the Appendix is acknowledged. The Panel accepts the maps in the Appendix are incomplete and this will require fixing.

6.12.2 Submission S146.109 Southland District Council is accepted by amending the maps as attached in Appendix B.

6.12.3 The three remaining submissions to the Appendix were not assessed explicitly in the s42A Report. The Panel is not aware of any higher planning documents that provide in a general way to activities near to streams and rivers. The NESCF for instance requires a 10 metre setback for earthworks from a number of water bodies, although in some circumstances this can be reduced to 5 metres. The NESCF enables local councils to adopt different requirements. No other higher order documents apply. As a consequence, the Panel considers the stepped approach adopted in the Plan of matching setbacks to stream or river size provides a practical and flexible approach balancing environmental protection and productive use of the land. Accordingly, submissions S104.032 McLeod-Wantwood Trust/ Wantwood Station, S105.032 Farm Manager - Wantwood Station and S127.032 Peters Farm Ltd Karen Peters are rejected.

7. Subdivision Chapter – General Rural Zone

7.1 Submissions in Support

Submitter (S)	Decision Requested
S148.006 Alistair & Bernadette Hunt S115.121 Kevin Robertson S143.132 Rural Ratepayers Group S148.133 Alistair & Bernadette Hunt S60.123 Ronald Crispin S68.241 John Baynes	Supports the increased 8 ha limit for rural subdivision.

7.1.1 The Panel acknowledges the submissions in support of the rule. While other submissions seek changes to the rule, these have not been accepted. Accordingly, these submissions are accepted.

7.2 Submissions in Opposition

Submitter (S)	Decision Requested
S36.001 Clayton Rowland S3.033 Stoney Creek Station Limited S104.028 McLeod-Wantwood Trust /Wantwood Station S74.019 Hamish Weir S105.028 Farm Manager - Wantwood Station S127.028 Peters Farm Ltd Karen Peters S113.033 Trudy Bokser S116.033 Nathan Bokser S118.033 AW+ JA Johnston Family Trust S18.035 Reaby Downs Farm Ltd S19.035 Karen Temple S20.035 Sarah and Peter Barclay S24.035 Helen McIntosh S68.037 John Baynes	Oppose changing of General Rural Lot size from 2ha to 8ha- requests it remain 2ha

S127.069 Peters Farm Ltd Karen Peters S117.033 Greg Bokser	
FS5.111, FS5.112 Hamish Weir	Allow S36.001 Clayton Rowland, S3.033 Stoney Creek Station Limited
FS25.114, FS25.115, FS25.116 Stoney Creek Station Ltd	Allow S36.001 Clayton Rowland, S104.028 McLeod-Wantwood Trust/ Wantwood Station, S74.019 Hamish Weir
FS17.058 Federated Farmers	Disallow S3.033 Stoney Creek Station Limited
FS22.024, FS22.025, FS22.026, FS22.027, FS22.029, FS22.030, FS22.031, FS22.032, FS22.033, FS22.034, FS22.035, FS22.036, FS22.037, FS22.038, FS22.039, FS22.040 Clark Fortune McDonald & Associates	Allow S36.001 Clayton Rowland, S104.028 McLeod-Wantwood Trust/Wantwood Station, S3.033 Stoney Creek Station Limited, S74.019 Hamish Weir, S105.028 Farm Manager - Wantwood Station, S127.028 Peters Farm Ltd Karen Peters, S113.033 Trudy Bokser, S116.033 Nathan Bokser, S118.033 AW+ JA Johnston Family Trust, S18.035 Reaby Downs Farm Ltd, S19.035 Karen Temple, S20.035 Sarah and Peter Barclay, S24.035 Helen McIntosh, S68.037 John Baynes, S127.069 Peters Farm Ltd Karen Peters, S117.033 Greg Bokser
S59.001 Adrienne Crispin	Reduce minimum lot size for rural properties. Would like to retain the option to stay on the property in the next life phase.
FS22.001 Clark Fortune McDonald & Associates FS5.69 Hamish Weir	Allow S59.001 Adrienne Crispin
S60.001 Ronald Crispin	Minimum lot size to be decreased for rural properties and allow subdivide a small portion of their land to retire on.
FS22.002 Clark Fortune McDonald & Associates	Allow S60.001 Ronald Crispin
S99.015 Clark Fortune McDonald & Associates	Retain current 2ha minimum. Allow a minimum average area for subdivision with a smaller absolute minimum area. Allow provision for smaller areas in the situation of redundant dwellings being subdivided from larger rural properties.
FS5.113 Hamish Weir FS25.117 Stoney Creek Station Ltd	Allow S99.015 Clark Fortune McDonald & Associates
S50.003 Jacklyn Johnston	General Rural Zone: Minimum Lot size-0.101ha. It would be better to protect this type of land by permitting the opposite. Some people may not have the ability or desire to manage 8ha sections. This could include those seeking a quarter-acre section for building, whether on their existing farm for retirement or due to health and financial considerations. The current rules, and potentially the new 8ha proposal, may hinder people who have spent their lives in rural communities but are unable to comply. Enabling subdivision of smaller sections would accommodate those desiring a rural lifestyle without the burden of excess land which people. There are suitable options for septic systems on the proposed minimum lot size. It's crucial to provide options, particularly for those within the rural community.
FS25.118 Stoney Creek Station Ltd	Allow S50.003 Jacklyn Johnston

7.2.1 All of these submissions oppose the 8 ha minimum lot size, with the majority seeking retention of the 2 ha provision in the Operative District Plan. The Panel agrees with Joanne Skuse at paragraph 233 of her s92A Report where she highlights the implications of the National Planning Standards, with a change from one rural zone in the Operative Plan to three zones in the Proposed Plan with different allowable lot sizes. To protect rural amenity and the productive capability of rural land, areas of intensive town-like development have been included in a Settlement Zone (Pukerau, Mandeville and Waikaka, all of which were previously zoned Rural) and areas where

smaller lot subdivisions have already occurred have been zoned Rural Lifestyle, with provision made for expansion of these areas to meet potential demand.

7.2.2 The Panel is aware that during the process of preparing the PDP, the 8 ha minimum lot size has been arrived at following assessment of lot sizes throughout the District, and this is fully documented in the s32 Report for the Rural Zones. As noted by Joanne Skuse, the research identified that 80% of parcels supporting dairy farmland and 70% of sheep and beef lots are greater than 8ha in size, with rural lifestyle use being made of lots with an area of less than 8ha.

7.2.3 The Panel in having regard to the NPSHPL, considers the minimum lot size of the General Rural Zone necessary to avoid rural lifestyle development which in turn protects the General Rural Zone for primary production, and other activities that rely on the rural resource. As noted by Joanne Skuse at paragraph 70 of her Supplementary Evidence, it is anticipated that most productive farms will require significantly more land than 8ha, but this lot size is to provide greater flexibility for a range of existing and future rural production opportunities.

7.2.4 The Panel is also mindful of the provisions of chapter 5 the Regional Policy Statement that states:

> To achieve sustainable use of rural land resources, rural residential subdivision must be undertaken in a way that achieves efficient use of soil and land resources. This means avoiding negative outcomes such as the loss of high value soils from productive use, inefficient use of transport networks, reverse sensitivity effects, or lack of available land following 'ring fencing' of urban areas by small landholdings.

7.2.5 CFMA requested provision be made for subdivision based on an average lot size. The Panel is aware of this approach being used elsewhere, although as District Plans are being reviewed, it appears it is being discontinued. It is the view of the Panel that the average approach is contrary to the intent of the objectives and policies of the PDP, and for large properties can result in what is effectively rural lifestyle type developments. There is then the issue of the remaining larger lots being subject to further subdivision in the future.

7.2.6 Several submitters, including CFMA, requested provision be made for "retirement" subdivisions to enable rural landowners to remain in the same dwelling following the sale of a working farm. Ben Wilson, on behalf of Clark Fortune, in his evidence accepted "the retention of retiring farmers on the working property creates a tension with Council's desire to curtail the proliferation of rural lifestyle developments in the rural zone." He therefore suggested that such a provision be enabled only for dwellings existing at the date decisions on submissions are issued.

7.2.7 The Panel considers the non-complying status of "retirement" subdivision as appropriate, to enable full assessment of the proposal having regard to the objectives and policies of the District Plan, the nature and characteristics of the land and area, and the long term and cumulative effects of the activity, while also taking into account the circumstances of the landowner. The Panel does not consider that the alternative suggested by Ben Wilson responds adequately to the issues set out above with regard to the creation of smaller lots in the General Rural Zone.

7.2.7 Having regard to these matters, submissions S36.001 Clayton Rowland and others, S59.001 Adrienne Crispin, S99.015 Clark Fortune McDonald & Associates and S50.003 Jacklyn Johnston are rejected.

8. Additional Matters

8.1 Whole of Plan Submissions

Submitter (S)	Decision Requested
S139.040 Hokonui Rūnanga Inc	Wherever possible the plan provisions should specify the particular effects of concern to mana whenua to ensure the plan provisions are clear and that appropriate effects are identified and assessed, including when Hokonui Rūnanga Inc may be an affected party. Amend references to 'Ngāi Tahu values' with more detailed description of particular effects to be avoided, remedied or mitigated.
S139.091 Hokonui Rūnanga Inc	Make consequential amendments to rules that refer to 'Ngai Tahu cultural values' by adding the words: "as identified in the objectives and policies for this zone and listed in MW2.3"

8.1.1 Courtney Bennett and Amy Beran in their joint response to Minute 15 drew attention to Policies GRUZ-P6(1) and GRUZ-P13(4); and the Matters of discretion in Rule GRUZ-R3(1) and Standards GRUZ-S3(5) and GRUZ-S7(5), which they considered could be reviewed having regard to the submissions of Hokonui Rūnanga.

8.1.2 The Panel notes Policies GRUZ-P6(1) and GRUZ-P13(4) have been subject to submissions by Hokonui Rūnanga with changes made to the provisions as requested by the Rūnanga. The Panel agrees with the remaining provisions identified, consistent with the Panel's Decision 43 Sites and Areas of Significance to Māori, Rule GRUZ-R3(10) and Standards GRUZ-S3(a) and GRUZ-S7(5) require revising to read as follows:

Impacts on Ngāi Tahu cultural values <u>as listed in MW-1.2.</u>

Submitter (S)	Decision Requested
S138.008 Port Blakely Limited	That the Proposed Plan be amended to reflect the issues raised in this submission
S138.011 Port Blakely Limited	Such other relief as may be required to give effect to this submission, including alternative, consequential or necessary amendments to the Proposed Plan that address the matters raised by Port Blakely.

8.1.3 The Panel has considered these submission points of Port Blakely in the context of their responses to Minute 16 and decision of the Panel to differentiate between plantation forestry and exotic continuous-cover forestry in the chapter. These submissions are therefore accepted in part in relation to the changes made to the chapter, with reference in particular to relationship of the amended policy and rule framework with the NESCF.

Submitter (S)	Decision Requested
S136.011 Jenny Campbell	Planting of exotics must not be given resource consent. e.g., Pinus contorta, Pinus - other species, firs, eucalyps. Decrease the number of pine plantings & strictly adhere to banning planting on steep slopes as well as requiring each company to chip all waste & slash at each logging site. Instead encourage planting of natives encouraging diversity of species.

8.1.4 The Panel has considered this submission in the context of Minute 16, accepting it in part due to decision to amend the chapter to restrict planting of exotic continuous-cover forestry in the district, which is reflected in the amended policy and rule framework, particularly new Policy GRUZ-P15 and new Rule GRUZ-R21.

8.2 Section 32AA

5.2.1 The s42A Reports prepared for the Rural Zones, Sites and Areas of Significance to Māori and Natural Hazards hearings included assessment of s32AA matters. The Panel too has had regard to the relevant s32AA provisions to fill any gaps. The Panel has not identified any need for a further s32AA assessment as a result of matters contained in this decision.