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

---

Gore District Plan - Decisions on Submissions
Topic 17: Rural Lifestyle 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 Rural Zones Hearing 3
2.2 Other Relevant Hearings 4

3. Rural Lifestyle Zone Overview, Objectives, Policies and Notes

3.1 Overview 4
3.2 Rural Lifestyle Zone Objectives 4
3.3 Rural Lifestyle Zone Policies 6
3.4 Notes 10

4. Rural Lifestyle Zone Rules

4.1 General 11
4.2 Rule RLZ-R1 Conservation Activity 12
4.3 Rules RLZ-R3 Homestay and RLZ-R4 Visitor Accommodation 12
4.4 Rule RLZ-R5 Primary Production 13
4.5 Rule RLZ-R6 Agricultural Aviation Activity 14
4.6 Rule RLZ-R7 Home Business 15
4.7 Rule RLZ-R8 Rural Produce Retail Activities 15
4.8 Rule RLZ-R11 Educational Facility 16
4.9 Rule RLZ-R12 Emergency Services Facility 16
4.10 Additional Rule Sought 16

5. Rural Lifestyle Zone Standards

5.1 General 17
5.2 Standard RLZ-S2 and RLZ-S7 18
5.3 Standard RLZ-S3 Setbacks from Road Boundaries 18
5.4 Standard RLZ-S5 Building Size 18
5.5 Standard RLZ-S6 Building Coverage 19
5.6 Standard RLZ-S8 Rural Airstrips and Helicopter Landing Areas 19
5.7 Standard RLZ-S9 Building Colours 19
5.8 Standard RLZ-S11 Planting 20

6. Additional Matters

6.1 Whole of Plan Submissions 21
6.2 Section 32AA 21

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 Rural Lifestyle 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 18 Settlement Zone
- Decision 26 New Vale

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

1.1.3 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 Section 42A Report prepared by Joanne Skuse.

1.1.4 Attached is the updated provisions for the Rural Lifestyle Zone, referencing changes authorised by this and other Decisions of the Hearings 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.

1.1.5 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.

1.1.6 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
Environment Southland	ES
Heritage New Zealand Pouhere Taonga	Heritage NZ
KiwiRail Holdings Ltd	KiwiRail
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
Rural Lifestyle Zone	RLZ
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 Commissioner Hovell, as an adjoining landowner and occupier, considered he had a conflict of interest regarding submissions S99.001 and S99.046 by Clark, Fortune, McDonald and Associates, and he took no part in the consideration of these submissions. No other member of the Panel identified any conflicts of interest.

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 Rural Zones 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	In Person In Person Video Link Video Link

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

- Ravensdown Ltd (S26)
- Silver Fern Farms (S40)
- Rural Contractors of NZ (S145)
- 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, of Tokin and Taylor, for the Gore District Council
- Marcus Roy, Jo Patterson and Matthew Gardner for Environment Southland

3 Rural Lifestyle Zone Overview, Objectives and Policies and Notes

3.1 Overview

Submitter (S) Further Submitter (FS)	Decision Requested
S126.166 Southland Federated Farmers of NZ S115.167 Kevin Robertson S143.178 Rural Ratepayers Group S148.179 Alistair & Bernadette Hunt S60.169 Ronald Crispin S68.287 John Baynes	Amend Overview: The Rural Lifestyle Zone facilitates the aspirations of those wish to live there, within a setting that retains the overall rural character, while ensuring that ~~sustainable~~ primary production activities are not compromised…. The precinct sits within the wider landscape setting of the Hokonui Hills Outstanding Natural Landscape, and the Croydon Bush Scenic Reserve, which also have landscape and biodiversity values.
S100.016 Charlton Rise Limited	Support S126.166

3.1.1 The Panel agrees with Joanne Skuse at paragraph 858 of her s42A Report that the changes sought are appropriate.

3.1.2 Submissions S126.166 Southland Federated Farmers of NZ and others are accepted by amending the Overview and Purpose as follows:

The Rural Lifestyle Zone facilitates the aspirations of those wish to live there, within a setting that retains the overall rural character, while ensuring that ~~sustainable~~ *primary production* activities are not compromised. ~~That~~ This requires the identification of specific areas for rural lifestyle development having regard to the character and values of those areas.

…

The precinct sites …

3.2 Rural Lifestyle Zone Objectives

Submitter (S)	Decision Requested
S126.167 Southland Federated Farmers of NZ S115.168 Kevin Robertson S143.179 Rural Ratepayers Group S148.180 Alistair & Bernadette Hunt S60.170 Ronald Crispin S68.288 John Baynes	Reword RLZ-O2 as the intention is not clear.

3.2.1 The Panel agrees with Joanne Skuse at paragraphs 860 - 862 of her s42A Report that revision of the Objective is appropriate for clarity. Following discussions with Rachel Thomas, representing Federated Farmers, and Joanne Skuse, the Panel concludes that for consistency an addition was also required to the Overview and Purpose section.

3.2.2 Submissions S126.167 Southland Federated Farmers of NZ and others are accepted by amending the Objective RLZ-O2 as follows:

RLZ-O2 The character and qualities of the Rural Lifestyle Zone comprise: ~~residential development that integrates with the natural and rural character of the area; providing a generally high level of amenity along with the operation of compatible *primary production* activities, and responding to the underlying Ngāi Tahu relationships with the natural *environment*.~~

1. residential development that integrates with the natural and rural character of the area;
2. a generally high level of amenity; and
3. the operation of compatible *primary production* activities

while responding to Ngāi Tahu cultural values listed in MW-1.2.

Submitter (S) Further Submitter (FS)	Decision Requested
S101.085 Transpower NZ Ltd	Amend Objective RLZ-O3 as follows: "RLZ-O3 To enable rural lifestyle living opportunities whilst protecting other anticipated activities, including critical infrastructure ~~in adjacent zones~~ from adverse effects, including reverse sensitivity effects arising from, and impacting on, rural lifestyle activities.
S121.082 Alliance Group Ltd S40.086 Silver Fern Farms	Amend as follows: To enable rural lifestyle living opportunities whilst protecting existing and anticipated activities in adjacent zones from reverse sensitivity effects arising from, and impacting on, rural lifestyle activities.
FS17.089 Federated Farmers	Allow S40.086 in part
S132.151 KiwiRail Holdings Ltd	Amend RLZ-O3 as follows: To enable rural lifestyle living opportunities whilst protecting the function and operation of the rail corridor and adjacent activities in adjacent zones from reverse sensitivity effects arising from, and impacting on, rural lifestyle activities.
FS29.048 Silver Fern Farms Ltd	Disallow S132.151

3.2.3 Joanne Skuse at paragraphs 852 – 857 of her s42A Report recommended changes to the Objective in response to the submissions lodged. KiwiRail supported that recommendation.

3.2.4 Joanne Skuse did not recommend including reference to “critical infrastructure” as the approach of the PDP, in conformity with the National Planning Standards, is to include provisions applying to critical infrastructure in the Infrastructure chapter of the Plan. That then avoids the need to duplicate provisions in each and every zone chapter. The Panel agrees with that approach. Transpower did not submit any material to the Panel to enable further consideration of this matter.

3.2.5 Submissions S101.085 Transpower NZ Ltd, S121.082 Alliance Group Ltd, S40.086 Silver Fern Farms and S132.151 KiwiRail Holdings Ltd are accepted in part by amending Objective RLZ-O3 as follows:

RLZ-O3 To enable rural lifestyle living opportunities whilst protecting existing lawfully established and anticipated activities from adverse effects, including reverse sensitivity effects ~~arising from, and impacting on, rural lifestyle activities~~.

Submitter (S) Further Submitter (FS)	Decision Requested
S69.001 Ian Davidson-Watts	Retain RLZ-PREC11-O1. Recognises and protects the landscape values of the Hokonui Hills Rural Lifestyle Precinct and the nearby Hokonui Hills Outstanding Natural Landscape and Croydon Bush Scenic Reserve
S109.123 Department of Conservation	Retain RLZ-PREC11-O1 with the following amendments (or words to similar effect): RLZ-PREC11-O1 Recognise and protect the landscape and ecological values of the Hokonui Hills Rural Lifestyle Precinct and the nearby Hokonui Hills Outstanding Natural Landscape and Croydon Bush Scenic Reserve.

3.2.6 Submission S69.001 Ian Davidson-Watts supports the Hokonui Hills Rural Lifestyle Precinct. That is acknowledged by the Panel. As the objective is subject to a minor wording change submission S69.001 Ian Davidson-Watts is accepted in part.

3.2.7 Submission S109.123 was assessed by Joanne Skuse at paragraphs 855-857 of her s42A Report, recommending this submission be rejected primarily because the Hokonui Hills Precinct has been included in the PDP as a consequence of the high landscape values within the area. Elizabeth Williams, on behalf of the Director-General of Conservation, at paragraphs 23 – 26 of her evidence stressed the requirements of s6 of the RMA to also protect the areas of indigenous vegetation that extend onto private land from the adjoining reserves. The Panel agrees with Elizabeth Williams and is also aware of areas of high ecological values within the Precinct and concludes it was appropriate to make the change requested. In the Panel's view that would also provide consistency with Standard RLZ-PREC11-S11.

3.2.8 Submission S109.123 is accepted by amending Objective RLZ-PREC11-O1 as follows:

RLZ-PREC11-O1 Recognise and protect the landscape and ecological values of the Hokonui Hills Rural Lifestyle Precinct and the nearby Hokonui Hills *Outstanding Natural Landscape* and Croydon Bush Scenic Reserve.

3.3 Rural Lifestyle Zone Policies

Submitter (S)	Decision Requested
S103.011, S103.012, S103.013 McNab Management Ltd	Delete policies RLZ-P3, P4 and P9 and replace with one policy that reads: "To provide for Rural Lifestyle Zones as primarily low density residential environments but which retain a rural character and associated amenity values; and: (i) Enable outdoor primary production activities but avoid intensive primary production, mining, quarrying, or rural industrial activities unless these activities are of a scale and nature that effects on residents can be avoided; and (ii) Enable home-based occupations, home-based businesses and other commercial activities provided they are of a scale and nature that effects on residents can be avoided or appropriately mitigated."
S126.168 Southland Federated Farmers of NZ S115.169 Kevin Robertson S143.180 Rural Ratepayers Group S148.181 Alistair & Bernadette Hunt S60.171 Ronald Crispin S68.289 John Baynes	Amend RLZ-P3: Enable primary production activities within the Rural Lifestyle Zone. ~~where they are compatible with the amenity and values of those zones.~~

3.3.1 The Panel accepts the approach adopted by Joanne Skuse at paragraphs 868 – 870 and 893 of her s42A Report where she recommended some of the changes sought by McNab Management to RLZ-P3 be adopted and RLZ-P9 be deleted. However, the Panel does not consider the words "managed, mitigated and avoided" appropriate

and has amended these. The Panel also notes Federated Farmers agreed with the recommendation. McNab Management did not provide any additional feedback on this policy in evidence submitted during the hearings process.

3.3.2 It is the Panel's view that there was a clear distinction between RLZ-P3 that focuses on "primary production" and RLZ-P4 that lists other activities, and having regard to the intent of the Rural Lifestyle Zone retention of both policies is required.

3.3.3 Submissions S103.011, S103.012, S103.013 McNab Management Ltd, and S126.168 Southland Federated Farmers of NZ and others are accepted in part by:

(a) amending Policy RLZ-P3 to read:

RLZ-P3 Enable *primary production* activities within the Rural Lifestyle Zone where these activities are of a scale and nature that effects on amenity can be avoided, remedied or mitigated. ~~they are compatible with the amenity and values of those zones~~.

(b) Deleting Policy RLZ-P9.

Submitter (S) Further Submitter (FS)	Decision Requested
S139.071 Hokonui Rūnanga Inc	Amend RLZ-P5 to read: 4. appropriate setbacks to waterways to maintain and enhance amenity values, ecological values, ~~Ngāi Tahu cultural values~~ maintain access to mahinga kai; and reduce effects on mauri, ki uta ki tai, and natural character."

3.3.4 Joanne Skuse at paragraph 871 of her s42A Report recommended the changes sought by Hokonui Runanga subject to a minor rewording. However, arising from Decisions 14 and 43 and having regard to decisions on submissions to other chapters, for consistency the Panel prefers a modified form of what was sought in the submission.

3.3.5 Submission S139.071 Hokonui Rūnanga Inc is accepted in part by amending RLZ-P5 as follows:

4. appropriate *setbacks* to ~~waterways~~ water bodies to maintain and enhance *amenity values*, ecological values, ~~Ngāi Tahu cultural values and~~ natural character and maintain access by mana whenua for mahinga kai and customary activities.

Submitter (S) Further Submitter (FS)	Decision Requested
S110.050 Royal Forest and Bird Society of NZ Inc	Add to RLZ-P5: 4. appropriate setbacks to waterways and Significant Natural Areas to maintain and enhance amenity values, ecological values, Ngāi Tahu cultural values, and natural character.
FS17.090 Federated Farmers	Disallow S110.050

3.3.6 The Panel notes that Policy RLZ-P5(4) referring to the setback from waterways links to Standard RLZ-S7 Setback from Rivers and Streams and that there is no rule or standard in this zone (or other zones) that links to Significant Natural Areas (SNAs). Rather, rules applying to, and impacts on, SNAs is dealt with in the Ecosystems and Indigenous Biodiversity chapter. The Panel supports the approach of the National Planning Standards to provide policies referring to SNAs in the Ecosystems and Indigenous Biodiversity chapter to avoid duplicating provisions in each zone chapter of the Plan. As a consequence, it is not appropriate to include the addition sought to the policy and submission S110.050 Royal Forest and Bird Society of NZ Inc is rejected.

Submitter (S) Further Submitter (FS)	Decision Requested
S101.086 Transpower New Zealand Limited	Retain Policy RLZ-P6 as notified.
S125.063 Ministry of Education	Retain RLZ-P6 as proposed.
S124.117 Fire and Emergency NZ	Retain RLZ-P6 as notified

3.3.7 The support for Policy RLZ-P6 is acknowledged and as no changes have been made to this provision these submissions are accepted.

Submitter (S) Further Submitter (FS)	Decision Requested
S148.182 Alistair & Bernadette Hunt S68.290 John Baynes S115.170 Kevin Robertson S60.172 Ronald Crispin S143.181 Rural Ratepayers Group S126.169 Southland Federated Farmers of NZ	Amend RLZ-P6: ~~Recognise the benefit~~ Enable the location of emergency services facilities and of education facilities, whilst ensuring any such facility is of a location, nature and scale that does not detract from the rural character and amenity values of the Rural Lifestyle area.
FS16.003, FS16.004, FS16.005, FS16.006, FS16.007, FS16.008 Fire and Emergency NZ	Allow S148.182, S68.290, S115.170, S60.172, S143.181, S126.169

3.3.8 At paragraph 885 of her s42A Report Joanne Skuse stated:

> Emergency service facilities and education activities are provided for in the zone as discretionary activities. This is to recognise that the effects of such activities are required to be managed. I consider the second part of the policy demonstrates that the activities can locate within the zone provided 'any such facility is of a location, nature and scale that does not detract from the rural character and amenity values of the Rural Lifestyle area'. Therefore, the policy not only provides a consenting pathway, but goes further to direct decision makers to consider the positive effects, the 'benefits', of the activities. I recommend no changes to RLZ-P6.

3.3.9 While accepting the advice of Joanne Skuse, the Panel doubted the need for this policy, given there are no similar provisions in the Plan for emergency service and education facilities in instances where they are listed as a discretionary activity. However, no submission seeks deletion of the policy, and as a consequence the Panel adopts the recommendation. Accordingly, submissions S148.182 Alistair & Bernadette Hunt and others are rejected. The Panel also notes Federated Farmers accepted this outcome.

Submitter (S)	Decision Requested
S103.015 McNab Management Ltd	Delete RLZ-P7. It is debatable whether any activity has an operational or functional need to locate in a Rural Lifestyle Zone.
S112.146 Waka Kotahi NZ Transport Agency S124.118 Fire and Emergency NZ	Retain RLZ-P7 as notified

3.3.11 The support for the policy as worded is acknowledged However, the Panel accepts the point raised by McNab Management Ltd that the concept of operational or functional need as used in this case is not appropriate within the Rural Lifestyle Zone, and at the very least those words should be deleted. The Panel agrees with Joanne Skuse at paragraph 886 of her s42A Report where she stated that it is appropriate to have a policy highlighting the undesirability of activities not compatible with the Zone values being located within the Zone. As a consequence, the Panel considers there to be benefit in retaining the policy in a modified form.

3.3.12 Submissions S103.015 McNab Management Ltd, S112.146 Waka Kotahi NZ Transport Agency and S124.118 Fire and Emergency NZ are accepted in part by revising Policy RLZ-P7 as follows:

Avoid activities ~~in the Rural Lifestyle Zone that do not have an operational need or *functional*~~

~~*need* to locate there~~ that are incompatible with the character, qualities and purpose of the Rural Lifestyle Zone.

Submitter (S)	Decision Requested
S103.016**,** S103.017 McNab Management Ltd	Delete RLZ-P8 and rule RLZ-R10. Under s4, the RMA does not apply to land uses on land administered under the Conservation Act 1987 or Acts listed in Sch 1 to that Act, if the activity is provided for within a reserve management plan. A local authority reserve management plan is prepared under the Reserves Act 1977; the Reserves Act 1977 is listed in Sch 1 to the Conservation Act 1987.

3.3.13 In Decision 7 Natural Open Space, in response to submission S109.138 Department of Conservation, the Panel has included the following in the How the Plan Works section of the Plan.

Activities of the Crown

The Crown is bound by the provisions of the District Plan, except as provided for in section 4 of the RMA as follows:

(2) This Act does not apply to any work or activity of the Crown which—
  (a) is a use of land within the meaning of section 9; and
  (b) the Minister of Defence certifies is necessary for reasons of national security.

(3) Section 9(3)does not apply to any work or activity of the Crown within the boundaries of any area of land held or managed under the Conservation Act 1987 or any other Act specified in Schedule 1 of that Act (other than land held for administrative purposes) that—
  (a) is consistent with a conservation management strategy, conservation management plan, or management plan established under the Conservation Act 1987 or any other Act specified in Schedule 1 of that Act; and
  (b) does not have a significant adverse effect beyond the boundary of the area of land.

(3A) Section 9 does not apply to the detention of prisoners in a court cell block that is declared by notice in the Gazette to be a part of a corrections prison.

3.3.14 The Panel notes that the submission from McNab Management is generally correct, although the reference to paragraphs (a) and (b) in clause 4(3) have not been referred to. Joanne Skuse however in her s42A Report at paragraph 889 advised the purpose of the policy and associated rule was to provide for activities by individuals and non-Crown entities to undertake activities provided for in a Reserve Management Plan without the need for resource consent approval. In that regard, the Panel accepts the desirability of the approach, in that reserve management plans follow a public consultation procedure under the Reserves Act during their preparation and review, and it would be a duplication of process if another procedure under the RMA was to be undertaken for the same activity. As a consequence, submissions S103.016**,** S103.017 McNab Management Ltd are rejected.

Submitter (S)	Decision Requested
S126.170 Southland Federated Farmers of NZ S115.171 Kevin Robertson S143.182 Rural Ratepayers Group S148.183 Alistair & Bernadette Hunt S60.173 Ronald Crispin S68.291 John Baynes	Amend RLZ-P9: Recognise that some Rural Lifestyle Zoned sites are working farms, and activities such as primary production and agriculture aviation activities are ~~generally~~ appropriate.

3.3.15 In paragraph 3.3.3 above this policy has been deleted. Further consideration of these submissions is not required. Given a change was requested to the policy,

submissions S126.170 Southland Federated Farmers of NZ and others are accepted in part by deleting the policy.

Submitter (S)	Decision Requested
S109.124 Department of Conservation	Retain RLZ-PREC11-P1 with the following: Limit~~ed~~ the nature, scale and design of development within PREC11 in order to protect the landscape and ecological values of the Hokonui Hills Rural Lifestyle Precinct and the nearby Hokonui Hills Outstanding Natural Landscape and Croydon Bush Scenic Reserve from inappropriate development.
S126.171 Southland Federated Farmers of NZ S115.172 Kevin Robertson S143.183 Rural Ratepayers Group S148.184 Alistair & Bernadette Hunt S60.174 Ronald Crispin S68.292 John Baynes	Amend RLZ-PREC11-P1: Limit~~ed~~ the nature, scale and design of development within PREC11 in order to protect the landscape values of the Hokonui Hills Rural Lifestyle Precinct and the nearby Hokonui Hills Outstanding Natural Landscape and Croydon Bush Scenic Reserve from inappropriate development

3.3.16 The typographical error referred to by submitters is noted and corrected as a minor change under Clause 16(2) thereby accepting submissions S126.171 Southland Federated Farmers of NZ and others.

3.3.17 At paragraph 3.2.8 of this Decision, the Panel amended Objective RLZ-PREC11-O1 to include reference to ecological values. For the same reasons the Panel considers an addition is also required to this policy.

3.3.18 Submission S109.124 Department of Conservation is accepted by amending Policy RLZ-PREC11-P1 as follows:

RLZ-PREC11-P1 Limit~~ed~~ the nature, scale and design of development within PREC11 in order to protect the landscape and ecological values of the Hokonui Hills Rural Lifestyle Precinct and the nearby Hokonui Hills *Outstanding Natural Landscape* and Croydon Bush Scenic Reserve from inappropriate development.

3.4 Notes

Submitter (S)	Decision Requested
S101.087 Transpower New Zealand Limited	Amend Note 1 as follows: "The provisions in this chapter apply in addition to the provisions of the other chapters in the District Plan and the plan should be read as a whole. This chapter also implements other chapters in the District Plan that do not have specific rules such as Sites and Areas of Significance to Māori and Mana Whenua. Infrastructure activities are provided for in the Infrastructure Chapter and the rules in this chapter do not apply to infrastructure activities."
S109.125 Department of Conservation	Add a note to the overview and amend the rules to provide clarity around where the ECO chapter provisions apply. Where the Rules apply to 'All areas' it should exclude specific sites such as Historic Heritage sites, Significant Natural Areas and ONL and ONFs.

3.4.1 Transpower and other submitters sought the inclusion of various Notes prior to the Rules in a number of chapters of the Plan primarily to facilitate the provisions of one of more chapters being standalone and not subject to other chapters. However, the Notes following the policies in each chapter of the notified Plan were there for guidance and had no statutory status. The Panel also notes that many of these Notes were repeated in the majority of chapters.

3.4.2 Two Notes were included in the Rural Lifestyle Zone chapter dealing with provisions in other chapters and other legislation. The Panel seeks to remove unnecessary duplication within the Plan and considers these Notes can be deleted because reliance can be placed on the introductory sections of the Plan. This change is made as an amendment under Clause 16(2) of the First Schedule. Arising from that, submissions S101.087 Transpower New Zealand Limited and S109.125 Department

of Conservation seeking additions to the Notes in the Rural Lifestyle Zone chapter are rejected.

4. Rural Lifestyle Zone Rules

4.1 General

Submitter (S) Further Submitter (FS)	Decision Requested
S140.004 Robina Johnston	PREC11 The entire Hokonui Lifestyle Zoned area from the road would have to be mitigated to avoid public view. The transformation of road buffering the Reaby Road would need vegetation or bunds to hide public view. Reverse sensitivity should be a consideration for Hokonui Lifestyle zone and vegetation buffers are needed. Raises concerns about adequate fencing for stock and that this should be netting.
FS22.062 Clark Fortune McDonald & Associates	Disallow S140.004

4.1.1 The Panel agrees with Joanne Skuse at paragraph 853 of her s42A Report where she describes that the Precinct area is not part of the Outstanding Natural Landscape and as a consequence it is not appropriate to require bunding or other forms of screening of buildings from Reaby Road. However, the Panel notes Rule RLZ-R2-PREC11 provides for buildings within the Precinct as a controlled activity, with regard being given to the extent that the siting, design and finish. The purpose of this consent is to avoid or mitigate adverse effects on the landscape values of the precinct. In the Panel's view this provides for the appropriate consideration of the visual impact of buildings on a case by case basis.

4.1.2 With regard to fencing, the Panel notes it is the responsibility of land occupiers to adequately fence their land to avoid stock wandering off-site. The Panel is aware of issues of pest animals from the adjoining government reserve land creating a nuisance on adjoining private land, but considers that a matter between the respective owners, and not one that should be managed through the District Plan.

4.1.3 Having regard to these matters, submission S140.004 Robina Johnston is rejected.

Submitter (S) Further Submitter (FS)	Decision Requested
S85.002, S85.168, S85.003, S85.004, S85.170, S85.005, S85.171, S86.006 Environment Southland	Include "not within an identified natural hazard area" criteria into rules RLZ-R2, RLZ-R3, RLZ-R4, RLZ-R7, RLZ-R8.
FS22.092, FS22.093, FS22.094, FS22.097, FS22.098, FS22.095, FS22.099, FS22.096 Clark Fortune McDonald & Associates	*Disallow S85.002, S85.168, S85.003, S85.004, S85.170, S85.005, S85.171, S86.006 Environment Southland*

4.1.4 The Panel is mindful of the evidence provided by Environment Southland at the Natural Hazards chapter hearing (and also at other times) where Marcus Roy stressed the need to avoid "upzoning" within areas of significant risk and managing development within other areas. In that regard the Panel does not consider it appropriate to avoid the location of sensitive activities such as those referred to in the rules subject to the submissions of Environment Southland regardless of the level of risk. The Panel notes much of the District is subject to a low risk of liquefaction, but it is neither necessary nor desirable to avoid development of those areas. Similarly, and consistent with the Regional Policy Statement, within areas where the level of

flooding is low following heavy rainfall events the key consideration is to ensure the floor level is appropriate to avoid water entering the building.

4.1.5 Decision 15 Rural Zones Definitions and Maps provides an assessment of rural-lifestyle areas zoned in the PDP and within those areas where there is a significant risk of flooding the zoning has been changed to General Rural. Arising from that, it is the view of the Panel that the addition sought to the rules is not necessary. Accordingly, the submissions of Environment Southland are rejected.

4.2 Rule RLZ-R1 Conservation Activity

Submitter (S)	Decision Requested
S109.126 Department of Conservation	Retain RLZ-R1 as notified

4.2.1 The support for the rule is acknowledged and with no change being made to the rule, submission S109.126 Department of Conservation is accepted.

Submitter (S) Further Submitter (FS)	Decision Requested
S109.127 Department of Conservation	Amend PREC11 to include matters of control (or words to similar effect) as follows 2. The siting, design and finish of the proposed buildings and the extent to which it avoids or mitigates adverse effects on the landscape and ecological values of PREC11

4.2.2 At paragraph 3.2.8 of this Decision, the Panel amended Objective RLZ-PREC11-O1 to include reference to ecological values. For the same reasons the Panel considers an addition is also required to this rule. However, the Panel favours the addition of a further matter of control rather than making the change requested.

4.2.3 Submission S109.127 is accepted in part by including the following in Rule RLZ-R2-PREC11:

4. Impacts on the ecological values of the site and the means by which these can be remedied or mitigated.

4.2.4 The Panel considers this addition is consistent with the purpose of the RMA and the requirements of s6(c) and gives effect to the objectives of the zone.

4.3 Rules RLZ-R3 Homestay and RLZ-R4 Visitor Accommodation

Submitter (S)	Decision Requested
S103.018 McNab Management Ltd	Amend RLZ-R3 subclause 3 to read: "The maximum occupancy is 6 people per night excluding those who normally reside at the property."
S126.172 Southland Federated Farmers of NZ S115.173 Kevin Robertson S143.184 Rural Ratepayers Group S148.185 Alistair & Bernadette Hunt S60.175 Ronald Crispin S68.293 John Baynes	Amend RLZ-R3: 3. The maximum occupancy does not exceed ~~5~~8 persons.

4.3.1 The Panel agrees with Joanne Skuse at paragraph 907 of her s42A Report where she recommended that the maximum occupancy be increased to 8 guests, with a minor wording change to avoid confusion.

4.3.2 Submissions S126.172 and others are accepted, and S103.018 is accepted in part, by amending Rule RLZ-R3(3) as follows:

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

Submitter (S)	Decision Requested
S103.019 McNab Management Ltd	Amend RLZ-R4 to delete subclause 3 restricting occupancy to 90 nights in any 12 month period. Combine Rules RLZ-R3 and RLZ-R4 to provide for one rule allowing visitor accommodation for up to 6 guests in a residential unit.

4.3.3 Prior to the hearing, members of the Panel were unsure why both rules RLZ-R3 and RLZ-R4 were required. The Panel found the advice of Joanne Skuse at paragraphs 908 – 909 of her s42A Report helpful to understand the approach. The rules allow two dwellings on a site, both of which may be used to accommodate guests. Where the dwelling is occupied by the owner (or tenant) and guests are present then that is a home stay and may be so used all year round. Where the owner or tenant is not occupying the building then having guests is classed as visitor accommodation. The intent is to limit visitor accommodation to 90 nights during any 12 month period, with resource consent required for a restricted discretionary activity beyond that limit. The Panel understands the reason for the limit is to keep the activity at a level compatible with the amenity of the rural lifestyle zone, rather than enabling full year occupation which is then a commercial activity. The Panel notes, if a full year activity is desired then a pathway is provided through the resource consent process.

4.3.4 Having regard to the explanation given, the Panel was satisfied that retention of both rules was appropriate. The Panel did not receive any additional evidence or information from the submitter to enable it to explore whether it was appropriate to delete Rule RLZ-R4(3). Accordingly, submission S103.019 McNab Management Ltd is rejected.

4.4. Rule RLZ-R5 Primary Production

Submitter (S) Further Submitter (FS)	Decision Requested
S126.173 Southland Federated Farmers of NZ S115.174 Kevin Robertson S143.185 Rural Ratepayers Group S148.186 Alistair & Bernadette Hunt S60.176 Ronald Crispin S68.294 John Baynes	Amend RLZ-R5: Primary Production Activity status: Permitted Where (f) <u>intensive</u> winter grazing ... Matters of discretion: 1. The matters of discretion of any infringed standard <u>2. Existing use rights</u>

4.4.1 Joanne Skuse at paragraph 919 recommended amending clause (f) in the rule to refer to “intensive winter grazing” and the Panel agrees with that for the reasons she and Federated Farmers and others gave. However, the Panel does not agree with the request of the submitters, nor the recommendation, to include reference to existing use rights, or legally established activities, buildings or structures. In having regard to a resource consent application there is an obligation to have regard to the existing environment and those uses or structures with existing use rights, however defined, are a consideration and applies regardless of whether there is reference in a rule or not. The Panel considers referring to existing use rights in a rule would cause confusion and does not in any way clarify the law as it applies to existing use rights.

4.4.2 Submissions S126.173 Southland Federated Farmers of NZ and others are accepted in part by amending Rule RLZ-R5(2)(f) as follows:

(f) <u>intensive</u> winter grazing, or

Submitter (S) Further Submitter (FS)	Decision Requested
S103.020 McNab Management Ltd	Delete clauses (b) to (d) and (f) in RLZ-R5. Amend clause (e) to read, "effluent treatment and storage ponds other than the maintenance or upgrade of existing, lawfully established ponds." Amend (g) to read: "Quarrying or quarrying activities, other than quarrying up to 100m^3 of shingle per year for the purpose of maintaining tracks or gravelled areas on the same property as the quarrying activity is occurring."
FS11.047 Heritage New Zealand Pouhere Taonga	Disallow S103.020

4.4.3 The Panel agrees with Joanne Skuse at paragraph 920 of her s42A Report where she expressed the view that the effects arising from effluent treatment and storage ponds and quarrying could adversely affect residents within the RLZ and it is reasonable to require a consent. Consequently, S103.020 McNab Management Ltd is rejected.

4.4.4 The Panel also notes the comment, also in paragraph 920 of the s42A Report, that existing farm quarries can continue to operate under s10 RMA, and the Panel agrees, thereby removing the need to include reference to existing uses within this or other rules.

4.5 Rule RLZ-R6 Agricultural Aviation Activity

Submitter (S) Further Submitter (FS)	Decision Requested
S148.012 Alistair & Bernadette Hunt	We do not support the new rules restricting agricultural aviation.
S156.017 New Zealand Agricultural Aviation Assn S63.021 New Zealand Helicopter Association S87.012 Ballance Agri-Nutrients S28.018 Ravensdown Limited	Delete RLZ-R6 1. Retain RLZ-R6 2. (subject to the amendments sought in submission point S1.11 to NOISE-R8)
FS4.72, FS4.73, FS4.74 New Zealand Agricultural Aviation Association (NZAAA)	Allow S63.021, S87.012, S28.018
FS4.73 New Zealand Agricultural Aviation Association (NZAAA)	Allow S156.017
S126.174 Southland Federated Farmers of NZ S115.175 Kevin Robertson S143.186 Rural Ratepayers Group S148.187 Alistair & Bernadette Hunt S60.177 Ronald Crispin S68.295 John Baynes	Adopt RLZ-R6 as notified, pertaining to changes being accepted under GRUZS8.

4.5.1 In Decision 34 the Panel has determined that the use of aircraft for agricultural aviation purposes is a permitted activity within the rural zones given the activity is an accepted part of the rural amenity within the Gore District. Consistent with that, the conditions applying to Rule RLZ-R6 are deleted. Submissions S126.174 Southland Federated Farmers of NZ and others requesting retention of the rule are therefore rejected.

4.5.2 Submissions S148.012 Alistair & Bernadette Hunt, S156.017 New Zealand Agricultural Aviation Assn and others; and are accepted in part by amending Rule RLZ-R6 as follows:

RLZ-R6 Agricultural Aviation Activity All areas

Activity Status: Permitted

~~Where:~~

~~1. The take-off and landings are to and from a *rural airstrip* or *helicopter landing area*~~

~~2. The activity complies with NOISE-R10 (Noise from the take-off and landing of *aircraft* and helicopters used for *agricultural aviation*).~~

Activity status where compliance is not achieved: N/A
~~Discretionary~~

4.6 Rule RLZ-R7 Home Business

Submitter (S)	Decision Requested
S103.021 McNab Management Ltd	Amend RLZ-R7 subclause 2 to read: "the activity occupies no more than 60m2 of the gross floor area of the buildings on the site."

4.6.1 The Panel agrees with McNab Management Ltd that amending the gross floor area of a home business from 50 m^2 to 60m^2 provides a consistency in Plan provisions and adopts the recommendation of Joanne Skuse at paragraph 929 of her s42A Report.

4.6.2 Submission S103.021 McNab Management Ltd is accepted by amending Rule RLZ-R7 as follows:

2. The activity occupies no more than ~~5~~60m^2 of the *gross floor area* of the *buildings* on the *site*; and

4.7 Rule RLZ-R8 Rural Produce Retail Activities

Submitter (S)	Decision Requested
S112.147 Waka Kotahi NZ Transport Agency	Retain RLZ-R8 as notified
S112.148 Waka Kotahi NZ Transport Agency	Amend RLZ-R8 Matter of discretion as follows: 8. The extent to which the rural produce retail activity will impact on the safety, efficiency and effectiveness of the transport network. This includes the outcome of any consultation with Waka Kotahi New Zealand Transport Agency.
S103.022 McNab Management Ltd	In RLZ-R8 amend subclause 2 to read: "the maximum area used for the display and storage of produce is 60m2." Amend subclause 3 to read: "the activity must be undertaken by a person(s) residing on the site and employ no more than 2 full-time equivalent people who do not reside on the site."

4.7.1 The Panel notes that within the General Rural Zone there is no condition requiring a consent where a “sale of on-site produce” activity is located on a site fronting a State highway. Whereas a restriction applies within the Rural Lifestyle Zone. However, as there were no submissions opposing this provision the Panel is unable to consider the matter further.

4.7.2 NZTA seeks an addition to the assessment matters requiring an applicant to advise of the outcome of any consultation with them. The Panel agrees with Joanne Skuse at paragraph 931 of her s42A Report that the assessment matter refers to impacts on the roading network, and consequently the additions sought by NZTA is not necessary. In addition, a consent may be required for a matter of non-compliance that has no impact on a State highway. Accordingly, submission S112.148 Waka Kotahi NZ Transport Agency is rejected. NZTA has advised acceptance of this outcome.

4.7.3 The Panel notes that in the General Rural Zone the “sale of on-site produce” is a permitted activity under Rule GRUZ-R9, without any limit on size. Whereas, within the Rural Lifestyle Zone a limit of 30m^2 applies. The Panel surmises this differentiation comes about to retain the amenity within the RLZ and given properties are smaller and in many cases houses are located more closely. No information has been provided to the Panel about rural produce retail outlets within the Rural Lifestyle Zone nor how the size limit was arrived at. Equally, the submitter has not provided

any information justifying a change to that limit. As a consequence, there is no basis on which the Panel can make an informed decision. Accordingly, submission S103.022 McNab Management Ltd is rejected.

4.7.4 As no change is being made to the provision, submission S112.147 Waka Kotahi NZ Transport Agency supporting RLZ-R8 is accepted.

4.8 Rule RLZ-R11 Educational Facility

Submitter (S)	Decision Requested
S125.064 Ministry of Education	Amend RLZ-R11 as follows: Education Facility All areas except PREC11 Hokonui Hills Rural Lifestyle Precinct Activity status: ~~Discretionary~~ Permitted 1. Any new or extended building or structure complies with standards RLZ-S2 RLZ-S3, RLZ-S4, RLZ-S5, RLZ-S6, and RLZ-S7.Activity status where compliance not achieved with: Restricted discretionary Matters of control are restricted to: 1. the location and design of buildings and any proposed car parking and loading areas and access; and 2. hours of operation; and 3. noise, disturbance and loss of privacy of neighbours; and4. screening and landscaping; and waste treatment and disposal.

4.8.1 The Panel agrees with Joanne Skuse at paragraphs 938 and 939 of her s42A Report where she expressed the view that it is inappropriate to provide for educational facilities of any size within the RLZ. A more suitable location is within townships or urban areas close to the catchment served by the school. She also noted the ability of the Crown to designate school sites. The submitter did not provide any material supporting the submission. Accordingly, submission S125.064 Ministry of Education is rejected.

4.9 Rule RLZ-R12 Emergency Services Facility

Submitter (S)	Decision Requested
S124.124 Fire and Emergency NZ	Amendment sought RLZ-R12 - Emergency Services Facility Activity status: Permitted Where: Any new or extended buildings, structure and activity complies with Rural Lifestyle Zone standards RLZ-S2, RLZS3, RLZ-S4, RLZ-S5, RLZ-S6, RLZ-S7 and RLZ-S9, RLZS10, RLZ-S11 and RLZ-S12.

4.9.1 The Panel agrees with Joanne Skuse at paragraph 940 of her s42A Report where she expressed the view that there are adverse effects associated with the use of fire station sites, and it is appropriate for their location to be assessed as a discretionary activity to ensure compatibility with the amenity and values of the area. The submitter did not provide any submissions or evidence supporting the submission. Accordingly, submission S124.124 Fire and Emergency NZ is rejected.

4.10 Additional Rule Sought

Submitter (S)	Decision Requested
S146.084 Southland District Council	More restrictive rules on Commercial Forestry and any primary production activity to facilitate rural lifestyle activities in addition to rural activities.
S146.082 Southland District Council	RLZ – Additional Rule: Update the proposed District Plan with the amendments to the National Environmental Standard for Commercial Forestry (NES-CF) as part of the provisions.

4.10.1 In Decision 16, at paragraph 5.5.6, in response to submissions by Clark Fortune McDonald & Associates, Southland District Council and Port Blakely Limited amended the definition of woodlot as follows:

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 that is less than one hectare in area.~~, but excluding *plantation forestry.*~~

4.10.2 Also in Decision 16, at section 5.18, the Panel reviewed the submissions and Plan provisions as they related to commercial forestry in order to differentiate between plantation forestry and exotic continuous-cover forestry. A new rule has been included by way of paragraph 5.18.8 that provides for exotic continuous-cover forestry as a discretionary activity, defaulting to a non-complying activity if located on highly productive land.

4.10.3 Having regard to the submissions of Southland District Council to the Rural Lifestyle Zone, the Panel agrees additional provisions are required. Having regard to the smaller lot size enabled in the Zone, and the higher amenity anticipated, the Panel concludes that both plantation forestry and exotic continuous-cover forestry should be considered in the same way as other activities listed in rule RLZ-R5(2), namely as a non-complying activity. The Panel considers that approach consistent with the objectives of the Rural-Lifestyle Zone and the purpose of the Act and is more effective than other means in providing for the efficient use of land within the Zone.

4.10.4 Submissions S146.084 and S146.082 Southland District Council are accepted by adding to rule RLZ-R5 the following:

RLZ-R6 **Woodlot**

The activity does not involve:

(i) *Commercial forestry*

5. Rural Lifestyle Zone Standards

5.1 General

Submitter (S)	Decision Requested
S124.125 Fire and Emergency NZ	Amend RLZ-S2 as follows: And excluding emergency service facilities from this rule. Fire stations are typically single storied buildings of approximately 8-9m in height and are usually able to comply with the height standards in a district plan. However, as part of Fire and Emergency fire station operational requirements many stations include a multipurpose tower or pole between 12-15m in height.
S124.126, S124.127 Fire and Emergency NZ	Amend RLZ-S4, RLZ-S6 as follows: Note: Emergency service facilities are exempt from this rule

5.1.2 The Panel is mindful that a height limit of 8 metres applies within the Rural Lifestyle Zone compared to 12 metres in the General Rural Zone, in order to protect the amenity of the lifestyle areas. Similarly, the control on building setbacks in RLZ-S4 is amenity related, but in the case of proximity to roads it is intended to ensure any vehicle parking in front of a building is well clear of the road. The site coverage as notified in the PDP is 1,000 m2 and as set out elsewhere in this decision is being amended to 10% of the site area. The Panel considers this an appropriate standard, again having regard to the amenity of the zone.

5.1.3 The Panel does not agree to alter the status of fire stations in this zone and a resource consent will be required. Any non-compliance with the height restriction is able to be considered at that time. FENZ has not provided any additional information to assist the Panel. Accordingly, submissions S124.125, S124.126, S124.127 Fire and Emergency NZ are rejected.

5.2 Standards RLZ-S2 and RLZ-S7

Submitter (S)	Decision Requested
S100.017 Charlton Rise Limited	Support RLZ-S2
S146.085 Southland District Council	Supports RLZ-S7

5.2.1 The support for these rules is acknowledged. Consequential to the Decision 16 General Rural Zone, Standard RLZ-S7 has been amended, submission S100.017 Charlton Rise Limited is accepted and submission S146.085 Southland District Council is accepted in part.

5.3 Standard RLZ-S3 Setbacks from Road Boundaries

Submitter (S)	Decision Requested
S69.002 Ian Davidson-Watts	As it relates to PREC11 - We propose that the rule is changed to residential buildings being set back a minimum of 40m and non-residential buildings being setback a minimum of 10m.

5.3.1 The Panel notes the recommendation of Joanne Skuse at paragraph 859 of her s42A Report to reject this submission, while accepting there could be sound reasons to implement the change sought by the submitter.

5.3.2 Having regard to the nature of development that has already occurred within Precinct 11, the potential lot size, and the amenity values to be provided by the District Plan rules and standards, the Panel considers a 40 metre building setback distance overly restrictive. However, the Panel considers the differentiation of residential and non-residential buildings suggested by the submitter to be too simplistic, concluding that large buildings near the boundary could give rise to adverse visual impacts. The Panel therefore favours a more flexible size restriction utilising the approach of elsewhere in the Rural Lifestyle Zone while still recognising the amenity of the Precinct..

5.3.3 Submission S69.002 is accepted in part by amending Standard RLZ-S3-PREC11 Hokonui Hills Rural Lifestyle Precinct as follows:

~~5. All *buildings* are *setback* a minimum of 40 metres from any *road boundary*~~

5. Buildings that house animals are setback 30 metres.

6. All residential units are set back 30 metres.

7. All other buildings and structures, excluding fences, exceeding 20m^2 in area are setback 30m

8. All other buildings and structures, excluding fences, provided they do not exceed 20m^2 in area are setback 10m

5.3.4 The Panel considers this amendment is consistent with the purpose of the RMA and gives effect to the objectives of the Precinct and of the zone.

5.4 Standard RLZ-S5 Building Size

Submitter (S)	Decision Requested
S103.023 McNab Management Ltd	Delete Rule RLZ-S5. There is already a maximum building coverage standard so it is unclear why a maximum building size is necessary.

5.4.1 The Panel agrees with Joanne Skuse at paragraph 953 of her s42A Report where she expressed the view that a maximum building size is required to ensure the character of the zone is not adversely affected or dominated by large buildings. The submitter did not provide any submissions or evidence supporting the submission. Accordingly, submission McNab Management Ltd S103.023 is rejected.

5.5 Standard RLZ-S6 Building Coverage

Submitter (S)	Decision Requested
S100.018 Charlton Rise Limited	Supports RLZ-S6
S103.024 McNab Management Ltd	Amend RLZ-S6 subclause 1 to read: "The maximum building coverage on any site is 12% of the total site area;"

5.5.1 The Panel agrees with the submitter and the view of Joanne Skuse at paragraph 953of her s42A Report that given the varying size of sites within the Rural Lifestyle Zone, and a limit applies to the size of individual buildings, then a percentage figure in the rule is appropriate. Given McNab Management Ltd did not provide any submissions or evidence supporting the submission, the Hearing Panel accepts the advice of Joanne Skuse that a maximum building coverage of 10% should apply. The support of Charlton Rise Ltd for the rule was also noted.

5.5.2 Submissions 103.024 McNab Management Ltd and S100.018 Charlton Rise Limited are accepted in part by amending Standard RLZ-S6 as follows:

1. The maximum *building coverage* on any *site* is 10% ~~1,000m^2~~; except

5.6 Standard RLZ-S8 Rural Airstrips and Helicopter Landing Areas

Submitter (S) Further Submitter (FS)	Decision Requested
S87.013 Ballance Agri-Nutrients S156.018 New Zealand Agricultural Aviation Association S63.023 New Zealand Helicopter Association S28.019 Ravensdown Limited	Delete RLZ-S8
FS4.75 New Zealand Agricultural Aviation Association (NZAAA) FS18.16 New Zealand Helicopter Association	Allow S63.023
FS4.76 New Zealand Agricultural Aviation Association (NZAAA)	Allow S28.019

5.6.1 In Decision 34 the Panel has determined that the use of aircraft for agricultural aviation purposes is a permitted activity within the rural zones given the activity is an accepted part of the rural amenity within the Gore District. Consistent with that, Standard RLZ-R8 is no longer require and is deleted. Submissions S87.013 Ballance Agri-Nutrients and others is therefore accepted by deleting Standard RLZ-S8 as provided for in Decision 34.

5.7 Standard RLZ-S9 Building Colours

Submitter (S)	Decision Requested
S152.012 Nigel Cowburn	Requests controls on massing, trims, fenestration and cladding texture, particularly in tray roof/ cladding systems, rather than a 30% LRV.

5.7.1 This submission seeks design controls within the Hokonui Hills Rural Landscape Precinct, rather than relying on a limit of the percentage of light a paint colour reflects, being the light reflective value (LRV). The Panel does not agree that design controls are required within the Precinct. That would necessitate the development of criteria and require a consenting process to ensure compliance with the criteria. Having regard to the cost of that process to landowners, and resultant delays in construction, the Panel does not consider that appropriate. The Panel is satisfied that appropriate management of visual impacts can be achieved by limiting the LRV of the external appearance of buildings within the Precinct. The submitter did not provide any additional information for the Panel to consider. Accordingly, Submission S152.012 Nigel Cowburn is rejected.

5.8 Standard RLZ-S11 Planting

Submitter (S) Further Submitter (FS)	Decision Requested
S152.013 Nigel Cowburn	RLZ-S11 1a- larger planting area than 15m requested
FS22.063 Clark Fortune McDonald & Associates	Allow S152.013 Nigel Cowburn
S69.003 Ian Davidson-Watts	This is an arbitrary limit and each property will have different characteristics where a greater distance will still meet the needs of the relevant objective. Non-native species have their value to local wildlife (nesting and certain food sources) and fast-growing species can provide climatic shelter from which native stands of vegetation can become quickly established behind The rule should define curtilage and 'garden' including non-native species planting / landscaping is permitted within that curtilage.
FS22.064 Clark Fortune McDonald & Associates	Allow S69.003 Ian Davidson-Watts

5.8.1 The Panel notes this Standard is as follows:

1. All planting shall be comprised of locally appropriate indigenous species.

   Except that:

   Pasture, lawns, commercial crops, fruit trees, vegetable gardens, and planting within curtilage areas 15m from a *residential unit* are permitted.

5.8.2 Joanne Skuse at paragraph 860 of her s42A Report described the purpose of this standard was to avoid the over-domestication of the landscape of the Precinct and the adjoining Outstanding Natural Landscape (ONL). She accepted however that the 15 metre curtilage area appears arbitrary but considered this an appropriate balance between enabling an appropriate level of domesticity and protecting the landscape values of the precinct and the nearby ONL.

5.8.3 The Panel undertook a visit to the Hokonui Hills Rural Lifestyle Precinct and noted the openness of the area and the backdrop to the hills beyond the Precinct. The Panel also noted a lack of plantings of indigenous species, particularly with shelterbelts and that only a very small portion of the Precinct was located within the Hokonui Hills Natural Feature and Landscape overlay.

5.8.4 Having regard to the submissions lodged, the Panel agrees that the allowance to plant pasture, lawns, commercial crops, fruit trees, vegetable gardens, and planting within curtilage areas 15m from a residential unit is arbitrary. The wording used restricts commercial crops more than 15 metres from a dwelling, yet at that scale no crop would be commercial. On some sites, having regard to ground conditions the appropriate location for a vegetable garden may well be more than 15 metres from a dwelling and be out of sight from adjoining roads. The Panel also considers there to be a lack of certainty as to what is a “locally appropriate indigenous species.

5.8.5 The Panel therefore agrees with the submitters and considers the 15 metre restriction should be deleted in its entirety. The effect of that is to nullify the Standard, and therefore the Panel concludes the Standard should be deleted in its entirety. If the Council wishes to encourage indigenous planting within the Precinct then it should do so by advocacy rather than be regulation.

5.8.6 Submissions S152.013 Nigel Cowburn and S69.003 Ian Davidson-Watts are accepted in part by deleting Standard RLZ-S11.

6. Additional Matters

6.1 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"

6.1.1 Courtney Bennett and Amy Beran in their joint response to Minute 15 drew attention to various provisions in the Rural Lifestyle Zone that they consider could be reviewed having regard to the submissions of Hokonui Rūnanga. With regard to these the Panel notes:

(i) Objective RLZ-O2, with consideration given to the Hokonui Rūnanga submission in considering that provision in the body of this decision.

(ii) Policy RLZ-P1 and Standard RLZ-S7 refer to MW2.3 and that requires amending.

(iii) Policy RLZ-P5 was subject to a submission by Hokonui Rūnanga with changes being made consistent with that submission.

(iv) Note 1 is being deleted as the introductory chapters adequately explain the relationship between chapters in the Plan.

6.1.2 Standard RLZ-S2 Height was also referred to, with Courtney Bennett in the evidence presented at the final hearing recommending clause 5 of the Matters of Discretion be amended to read:

5 Impacts on views ~~of The Mataura Falls, Hokonui Hills, and/or Tuturau.~~ to and between features of importance to mana whenua.

6.1.3 The Panel notes no submissions were lodged to this provision, nor did the clause include reference to mana whenua or Ngai Tahu values. It is referring to views of three distinct features without reference to any Māori values. There is therefore no scope by the Hokonui Runanga submission to make the recommended change.

6.1.4 The Panel does note however, that there are no views of the Mataura Falls or Tuturau from any of the Rural Lifestyle zones. As a minor matter under clause 16(2) reference to these features is being deleted. The clause will now read:

5 Impacts on views of the ~~Mataura Falls,~~ Hokonui Hills~~, and/or Tuturau~~.

6.2 Section 32AA

6.2.1 The s42A Reports prepared for the Rural Zones, Sites and Areas of Significance to Māori hearings included assessment of s32AA matters. In considering the submissions included in this decision, the Panel has had regard to the relevant s32AA provisions. Given the nature of changes made to the Rural Lifestyle Zone provisions, which in the view of the Panel are minor in nature, no additional s32AA assessment is required.