

Before the Independent Hearings Panel at Gore District Council

Under Schedule 1 of the Resource Management Act 1991

In the matter of Hearing Submissions and Further submissions on the Proposed
Gore District Plan.

**Statement of supplementary planning evidence of Tina Carlson-McColl, Victoria
Woodbridge, Joanne Skuse and Mishka Banhidi on behalf of Gore District Council**

Date: 24 June 2024

Introduction:

1. Our full names are:
 - Tina Carlson-McColl
 - Victoria Emily Jane Woodbridge
 - Joanne Skuse
 - Mishka Banhidi
2. Our Section 42A reports sets out our qualifications and experience as experts in planning.
3. We confirm that we are continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's practice Note 2023, as applicable to this independent hearing panel.
4. We have prepared this statement of evidence to provide a response to expert evidence presented in relation to Hearing Stream 2 – Commercial Centre Zones, Mixed Use Zone Open Space and Recreation Zones, Field Days Zone, Camp Columba Zone and Airport Zone. This includes the evidence of:

The Fuel Companies (s16)**Camp Columba Charitable Trust (s61)**

- a. David Andrew Bruce
- b. Hamish Weir

Department of Conservation (s109)

- a. Elizabeth Moya Williams

NZ Transport Agency Waka Kotahi (s112)**Heritage New Zealand Pouhere Taonga (s123)****New Zealand Heavy Haulage Association (s77)****KiwiRail (s132)**

- a. Michelle Grinlinton-Hancock
- b. Louise Elizabeth Robertson Taylor

5. Additional information required as per Minutes 9 and 10 by the Hearings Panel is provided.

6. As directed by Minute 8 we acknowledge deferral of consideration of the submissions from Hokonui Rūnanga until Hearing Stream 3 commencing 29 July 2024. We have not, therefore, provided any further evidence on these submission points.
7. Our evidence also seeks to correct some errors in our Section 42A Reports as follows:
 - a. Appendix A Town Centre Zone Chapter, the recommended changes to TCZ-P3 (paragraph 150 of the Section 42A report Part 3 Town Centre, Local Centre, Neighbourhood Centre & Mixed Use Zones) were not shown in the chapter.
 - b. The recommended changes to the service station definition (paragraph 162 of the Section 42A report Part 3 Town Centre, Local Centre, Neighbourhood Centre & Mixed Use Zones) were not shown in Appendix A.
 - c. At paragraph 222 of the Commercial Centres and Mixed Use Zone Section 42A report, the submission from Hokonui Rūnanga (s139.074) has shown the amendments sought incorrectly, the first line (as shown in the s42A report) should also be struckthrough as follows:

~~Adverse environmental effects or impacts on Ngāi Tahu cultural values generated by activities within the Mixed Use Zone are managed, particularly at the zone interfaces. Potential sensitivity effects or reverse-sensitivity effects on people their values and activities resulting from activities within the MUZ are managed, particularly at the zone interfaces.~~
 - d. At paragraphs 163 and 166 of the Natural Open Space Zone Section 42A report the submission numbers for Hokonui Rūnanga should be 139.084.

Recommendations Overview

8. The Section 42A report provide an overview of issues raised in submissions and the changes recommended relating to Hearing Stream 2. We do not propose to repeat those here but instead focus on responding to submitters evidence. An overview of the submitter evidence is provided in **Appendix 1**.
9. The Hearings Panel also requires additional information to the Hearing Stream 2 Section 42A Reports, as set out in Minute 10, and the required information is provided in this evidence and at **Appendix 3 and 4**.
10. Recommended changes to the chapters are shown in **Appendix 2**.
11. We acknowledge the support of The Fuel Companies, Camp Columba Charitable Trust, Department of Conservation, NZ Transport Agency Waka Kotahi and Heritage New Zealand Pouhere Taonga.
12. In response to Camp Columba Charitable Trust we recommend a further amendment to the Camp Columba Zone Chapter to update the structure plan which is provided in **Appendix 2**.

13. In response to KiwiRail we recommend amending the rear and side boundary setbacks to include the boundary with the rail corridor in the commercial centre zones, and include a matter of discretion in relation to the effects on the rail network for the commercial centre zones and mixed use zone.

Detailed Responses to Evidence seeking changes to s42A Recommendations

Camp Columba Charitable Trust

14. I have reviewed the submitter evidence provided by Mr Bruce on behalf of Camp Columba Charitable Trust.
15. I acknowledge the amended structure plan and recommend that this is included within the Camp Columba Zone Chapter to replace the notified version of the structure plan. An updated copy of the Chapter is provided in Appendix 2.
16. I acknowledge that there remains a point of difference between the submitter and myself in relation to submission point (s61.003) where Camp Columba have sought a default discretionary activity status as opposed to the PDP non-complying default status.
17. The submitter's evidence states that they are concerned that the non-complying default status has the "*potential to escalate what could be very technical and minor breaches beyond what the 'real' effects of are.*" The submitter also raises concerns with the cost of obtaining a resource consent for a non-complying activity vs a discretionary activity.
18. It is not clear what the submitter considers a 'technical' or 'minor breach' may be, however, to understand the issue I think it is appropriate to look at the planning framework with the Camp Columba Zone.
19. The purpose of the zone, as articulated in the overview and purpose, is to enable existing activities to continue and provide for expansion opportunities. The Objectives and policies then direct that existing and future compatible activities are recognised and provided for. CCZ-P1 provides clear direction on the types of activities provided for:
- Provide for a range of Outdoor adventure, education, accommodation, community engagement activities and ancillary activities which serve a functional need within the Camp Columba zone where these provide for the needs of the wider southern community.*
20. To give effect to the objectives and policies the following activities are permitted:
- a. Education facilities -
 - this would cover outdoor / indoor education facilities and activities.
 - defined in the PDP as "*means land or buildings used for teaching or training by child car services, schools, or tertiary education services, including any ancillary activities.*"
 - b. Visitor accommodation –
 - this would allow for overnight stays by people taking part in camp. activities, they may stay in buildings provided onsite or camp.

- defined in the PDP as *“means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities.”*
- c. Community facility –
 - covers a wide range of activities as defined in the PDP *“means land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility.”*
- d. Sport and recreation activity –
 - Defined in the PDP as *“the use of land, waterbodies and/or buildings for the purpose of active or passive enjoyment of organised sports (excluding motorsport), tournaments and sports education, whether competitive or non-competitive; and the use of land, waterbodies and/or buildings for the purpose of recreation or leisure.”*
- e. Healthcare Activity –
 - Defined in the PDP as *“land and or buildings used for the provision of services relating to the physical and mental health of people, excluding the overnight accommodation of patients.”*
- f. Residential Activity –
 - Subject to limits on the number of residential units and who can reside in those units (caretaker, manager or staff).
- g. Emergency Service Facilities –
 - Defined in the PDP as *“land and buildings used by organisations that respond to and deal with accidents, emergencies, or urgent problems such as fire, illness, or crime. It includes but is not limited to: (a) police, fire and ambulance stations; (b) surf lifesaving activities; (c) administration related to emergency services; (d) vehicle and equipment storage and maintenance; (e) personnel training; and (f) any ancillary activities. (g) defence facilities It excludes: (h) healthcare activities; (i) hospitals; and (j) private security companies.”*

21. As can be seen from the definitions of these activities, the provisions enable a wide range of activities, all of which serve to achieve the purpose of the zone and enable the existing activities to continue and grow. However, the activities are permitted subject to being undertaken in accordance with the Camp Columba Structure Plan, this would mean they would need to be located and set out as shown on the structure plan, for example, the zip line (a sport and recreation activity) would need to be in the general location as shown on the structure plan.

22. The activities are also permitted subject to the zone standards:

CCZ-S1 – maximum building or structure height of 10 metres above ground level

CCZ-S2 – stream setbacks

23. If an activity doesn't comply with the permitted activity conditions, for example if the activity was not in accordance with the structure plan, then resource consent would be required as a restricted discretionary activity with limited matters of discretion.
24. If an activity does not comply with one of the standards, for example the height of a building or structure exceeds 10 metres resource consent would be required as a restricted discretionary activity.
25. In my opinion these are examples of minor or technical non-compliances and the planning framework provides for these as restricted discretionary activities. The purpose of the default non-complying activity status is to capture activities that would not be anticipated or appropriate within the Camp Columba Zone. For example, an industrial activity.
26. As discussed within my Section 42A report the default activity status is consistent across the plan and aligns with the general framework of enabling (permitting), managing (providing for a restricted discretionary) or avoiding (non-complying) activities.
27. In the Camp Columba Zone the provisions are broad and enabling and align with the purpose of the zone, other activities, therefore, may not be appropriate and so require a more in depth consideration of adverse effects and in that instance the additional 'gateway' test under Section 104D would be appropriate.
28. I do not consider that an application which has a non-complying activity status would automatically attract a greater processing cost than a resource consent with a discretionary activity status. It is more typically the case that it is the complexity of the proposal which affects the costs. For example, if the default activity status were discretionary and an application for an industrial activity were received this would involve a complicated processing assessment, the same assessment would be undertaken for an industrial activity which had a non-complying activity status.
29. The purpose of the non-complying activity status, as discussed by Mr Heale in Hearing Stream 1 and outlined in my Section 42A report is to provide a clear planning framework whereby avoid aligns with non-complying to provide clear direction to plan users and decision makers. In the case of Camp Columba there are activities which should be avoided as they would be incompatible with the purpose and use of the zone and potentially result in conflicts with enabled new and existing activities.
30. As the submitter has not raised any concerns with the range of activities enabled it is assumed that the purpose of the zone can be achieved through the existing provisions. Non-compliance with the rules for enabled activities typically leads to a restricted discretionary activity consent. I consider it appropriate that other activities default to non-complying to both ensure consistency across the plan and to ensure that the purpose of the zone is not compromised by incompatible and unanticipated activities.
31. However, if the submitter were able to provide specific examples of the technical or minor non-compliances they were concerned about further consideration could be given to these matters.

32. Overall, based on the information available I do not recommend any further amendments to the Camp Columba Zone beyond those recommended in the Section 42A report and the updating of the Structure Plan. A recommended version of the Chapter is provided at **Appendix 2**.

New Zealand Heavy Haulage Association (NZHHA)

33. I have reviewed the submitter evidence from Mr Jonathan Bhana-Thomson which responds to the Section 42A report recommendations.
34. Mr Bhana-Thomson agrees with the Section 42A report recommendation to provide for relocated buildings as a permitted activity but maintains the submission position that a new standard is required to allow Council to maintain a degree of control over relocated buildings.
35. NZHAA provided a submission for each zone which is subject to this hearing and the response to the submissions were the same across each zone, with a recommendation that each relevant permitted activity rule be amended to enable relocated (as well as new) buildings.
36. This means the rule framework treats relocated buildings in the same manner as new buildings, i.e. it is permitted to undertake an activity, such as a residential activity, in a new building or a relocated building. Furthermore, it means that relocated buildings are subject to the same standards as new buildings, i.e. they must comply with bulk and location requirements such as setbacks, height, building coverage.
37. Mr Bhana-Thomson's evidence indicates a concern that without a standard in each zone Council will have no control over the quality of the relocated building and that relying on a rule in the Temporary Activity Chapter is incorrect because *"the dedicated rules in all zones will apply to relocated buildings which are not a temporary activity."*
38. As noted above the PDP rule framework is such that for each building, whether it is new or relocated, there is a requirement to comply with the standards on an ongoing basis and so in this regard a relocated building is treated in the same manner as any other building, as should be the case.
39. I agree with Mr Bhana-Thomson that relocated buildings could be a permanent addition to the site. However, I disagree that the PDP considers relocated buildings themselves as a 'temporary activity', it is the relocation and associated reinstatement of the building which is the temporary activity. Therefore, inclusion of a rule relating to the relocation and reinstatement of buildings is appropriate in the Temporary Activities Chapter.
40. Once the building has been relocated and reinstated, i.e. compliance with TEMP-R8 is satisfied, TEMP-R8 will no longer apply. Compliance with the zone rules and standards will also be required at the time of relocation and on an ongoing basis.
41. I do not consider it to be efficient or effective to provide a standard relating to a temporary matter (the relocation and reinstatement of a building) within each zone, instead it is more efficient and effective to provide for this activity within the Temporary Activity Chapter to recognise the rule is of 'temporary' relevance to the building.

42. The standard sought by NZHAA is comparable to the conditions for TEMP-R8 and so TEMP-R8 achieves the same outcome as that sought by NZHAA, the difference being the rule is in the Temporary Activity Chapter rather than each zone. As noted above this recognises that relocation and reinstatement are a temporary part of the future use and occupation of the building.
43. Mr Bhana-Thomson refers to the approach taken by other territorial authorities in relation to relocated buildings and states the relocation of buildings is now typically a permitted activity by most Councils. The PDP also provides for relocation of buildings as a temporary activity.
44. I have reviewed a number of other District Plans - Timaru, West Coast One Plan, Selwyn and Southland – and note varying approaches to providing for relocatable buildings.

Proposed Timaru District Plan

- Contains a 'Relocated Buildings and Shipping Containers Chapter'
- The placement of a relocated building or shipping container within the General Industrial Zone, Port Zone is a permitted activity.
- The placement of a relocated building or shipping container within any other zone is a controlled activity.
- The rules do not apply if the building is a temporary activity provided for in the Temporary Activity Chapter.
- The rules for relocatable buildings are subject to conditions including confirmation from a Licensed Building Practitioner that the building will be permanently sited on foundations and any damage to the exterior will be repaired to a 'tradesman's like manner'.

West Coast One Plan

- Contains a rule in each zone which provides specifically for relocated buildings as a permitted activity subject to conditions which align with those sought by NZHHA and compliance with the performance standards.

Selwyn District Plan

- In the General Rural Zone there is a rule providing for relocated residential units as a permitted activity subject to conditions similar to those sought by NZHHA. There is also a rule requirement that relocatable buildings are limited to particular uses (garage or accessory building and in relation to their use for a temporary activity or temporary accommodation.

Southland District Plan

- In the General Rural Zone the setback standards apply to new or relocated dwellings.
- In the General Residential Zone new or relocated dwellings have setback standards to transport corridors.

- There are no other provisions relating to relocatable / relocated buildings.

Queenstown District Plan

- A rule in the Temporary Activities and Relocated Buildings Chapter provides for relocated buildings as a permitted activity subject to similar standards as those sought by NZHHA.

45. In response to the submitters concern that they may transport buildings between different districts and as such consistency in approaches by District Plans is desirable, given there is a wide range of approaches across District Plans I do not consider the submitter would be disadvantaged by the PDP approach compared to how relocated buildings are provided for in other Plans.

46. I consider the proposed recommendations from the s42A reports coupled with rule TEMP-R8 to be sufficient to provide for relocatable buildings in an efficient and efficient manner. Furthermore, I consider the PDP provisions, subject to the amendments recommended by the s42A report authors achieve the outcomes sought by the submitter on the basis that relocated buildings are permitted and they are treated as 'permanent buildings'. However, the PDP recognises that the activity of relocating and reinstating the buildings is an initial (temporary) part of the future use and occupation of the building.

47. For this reason, I do not recommend any amendments to the PDP provisions other than those amendments recommended within the s42A reports.

KiwiRail

48. Michelle Grinlinton-Hancock and Louise Taylor on behalf of KiwiRail have provided evidence requiring buildings be setback 5m from the rail corridor boundary in the Town Centre Zone, Local Centre Zone, Neighbourhood Centre Zone and Mixed Use Zone.

49. Ms Taylor accepts the S42A recommendation that SARZ-S3 already provides sufficient setback, and therefore seeks no further amendments to this zone.

50. Ms Taylor has confirmed the setback is being sought from KiwiRail's designation boundary. The areas affected by the proposed setback are shown in the images below and attached in **Appendix 3**, and includes:

- Neighbourhood Centre Zone - Albion Street, Matakura



- Mixed Use Zone – Lodge Street and Ely Street, Mātaura



- Local Centre Zone – Bridge Street, Mātaura



- Mixed Use Zone – Gore Main Street, Bury Street up to Hyde Street



- Town Centre Zone – Gore Main Street, Hyde Street up to Mersey Street and Brennan Lane



51. Ms Taylor notes that it is not uncommon for District Plans to include provisions which limit uses of land to protect the operation of infrastructure and also to provide safe and healthy environments for people. Moreover, Ms Taylor provides a S32AA evaluation in Appendix A of her evidence and considers that the recommended setback is more appropriate to give effect to the purpose of the Act than the notified plan and it will enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety, while avoiding, remedying or mitigating adverse effects on nationally significant infrastructure. She considers that the benefits of a safer and more efficient rail network will outweigh the cost to adjoining owners and that the resource consent process can efficiently and effectively allow for consideration of a reduced setback.
52. I accept that the rail network is regionally or nationally significant infrastructure and that it is important to ensure it can operate safely and efficiently. I also agree that setbacks is a method commonly used to manage activities and development around critical infrastructure both for the effects on the network and for the safety of people. However, it should be noted that the width of the KiwiRail designation varies, it is in a number of places over 50 metres wide and that the area includes not just the rail tracks but associated yards, storage areas and buildings. Although access to these areas may not be desirable, the risk of interference with the operation of the rail network and the safety effects are not the same as in relation to the tracks. I also note that Ms Grinlinton-Hancock concerns are focused on the tracks rather than ancillary areas. I accept that this could be considered through a resource consent process, however this would come at a cost to the landowner and mean that affected party approval from KiwiRail would likely be required.
53. Ms Grinlinton-Hancock considers that it would be a poor planning outcome that landowners who need to access their own buildings rely on access to the rail corridor for maintenance. I agree that relying on access to the rail corridor is not a good outcome, however, it is also an undesirable planning outcome that private property owners are unduly restricted in the use and development of their land - to enable people to provide for their social and economic wellbeing is also part of the purpose of the Act - and some of the affected properties, for example on Main Street in Gore are only between 10-15 metres wide. To impose this restriction there needs to be sufficient evidence to support it.
54. Ms Grinlinton-Hancock specifies that a five-metre distance to boundary is required within private property to allow for machinery, scaffolding and support structures with space around them for access within the property, and includes an allowance for falling objects. A diagram is provided in Appendix A of the submission that shows a range of different scenarios based on building height and height to boundary. Assumptions include a height to boundary control of 4m high at boundary and a 60-degree recession plane, building heights between 6.5m and 12m, and the trajectory of the falling object.
55. I accept that buildings need maintenance, and that space required for structures and equipment for this would likely increase with the height of the building and need to be accommodated for within the site. However, I am unsure of the assumptions in Ms Grinlinton-Hancock evidence in relation to the size and requirement of the support

structure for the scaffolding and the access required around it which seems to be based on a worst case scenario, and the falling object trajectory as this seems to bounce outwards rather than fall downwards, and the evidence does not include what object this calculation is based on and how likely a scenario this is. There could therefore potentially be variables that would be able to reduce the distance required to boundary, and it is also noted that building maintenance appear to be able to be managed elsewhere within the standard side and rear yard setbacks within the zone.

56. The standards in the Commercial Centre Zones and Mixed Use Zone are shown in the table below relate to building height, setbacks and height in relation to boundary controls. Setbacks to side and rear boundaries and height in relation to boundary in the commercial centre zones applies only to boundaries with the Residential Zones, public parks and reserves and sites containing scheduled heritage items.

	Height to boundary	Height	Setbacks
Town Centre Zone	3m at boundary and recession plane between 35 degrees to 55 degrees	12m	Side and rear 2m
Local Centre Zone	3m at boundary and recession plane between 35 degrees to 55 degrees	9m	Side and rear 2m
Neighbourhood Centre Zone	2.6m at boundary and recession plane between 35 degrees to 55 degrees	8m	Side and rear: Residential units – 1m Other buildings – 3m
Mixed Use Zone	3m at boundary and recession plane between 35 degrees to 55 degrees	10m	Side and rear 1.5m Road 2m

57. As an alternative to the requested five metre safety setback standard, I recommend that the existing setback within the commercial centre zones is amended to apply to a boundary with the rail corridor and include a matter of discretion in relation to the effects on the rail network in all zones, as shown in **Appendix 2**. Although the setback distances are less than required by Ms Grinlinton-Hancock, it is considered a more appropriate balance between the cost to landowners and the benefits to the rail network.
58. Nationally there appears to be an inconsistent approach to setback to the rail corridor. Other recent District Council plan reviews and plan change decisions have considered the 5m setback unwarranted, and have either rejected the setback or included a lesser setback. These include Wellington City Council, Upper Hutt, Waikato, Porirua and Waimakariri. Selwyn District Council have accepted a 5m setback in the Commercial Zones. Ms Taylor also provides examples of other district plans with setback to the rail corridor in her evidence, although this is not always 5m.

59. In relation to changes sought to MUZ-P2 Ms Taylors agrees with the recommendation that the TRANS chapter is the more appropriate place for the policy connection to manage the interface between development and lawfully established critical infrastructure such as the railway network. KiwiRail is seeking amendments in relation to this to TRANS-P8, and this will be considered at Hearing Stream 5.
60. The following evaluates the recommendation to amend the setback standards under section 32AA of the RMA and in considering the option of the notified plan and KiwiRail's proposal.

Effectiveness and efficiency

The recommended setback is consistent with the purpose of the Act¹ in that it manages use and development of the land resource in a way enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while avoiding, remedying, or mitigating any adverse effects of activities on nationally significant infrastructure.

The recommended setback is consistent with strategic direction objectives, including UFD-O1 that allows the district to develop in a cohesive, compact and structured way that provides for social and cultural vitality, productivity and economic growth and manages adverse effects between incompatible activities and zones; and UFD-O7 in relation to well-designed urban environments for the community to live, work and play that are have connected and efficient transport networks.

The recommended setback is consistent with objectives and policies in relation to Infrastructure and Transport, including INFR-O3 and INFR-P6 in relation to the protection of infrastructure and management of adverse effects from land use and development; and TRNS-O1 and TRANS-O2 in relation to the provision of a safe and efficient transport network that is not compromised by land use activities and development.

The recommended setback is considered more efficient and effective than the KiwiRail option to achieve the purpose of the Act and the objectives of the plan, or the notified plan, as it strikes a balance between allowing for providing for peoples social and economic well-being while providing for their health and safety and managing the effects on the rail network, and will enable the Council to more effectively administer the PDP in a clear and consistent manner.

Costs and benefits

The setback and boundary restriction has an opportunity cost to utilise land with an economic cost to the individual landowner, and a benefit to the protection of the rail network.

¹ Resource Management Act 1991, Part 2, Section 5

Risk of acting or not acting

Not acting could have a risk to the safety of people and to the safe efficient operation of the rail network if buildings are constructed up to the boundary. A greater setback may provide greater protection of the rail network, but also has a risk in relation to provide for growth and development where land is not able to be utilised.

Conclusion as to the most appropriate option

The proposed amendment is considered to be more consistent with higher order documents considered to be a more appropriate way to achieve the objectives of the plans than the notified version of the PDP or KiwiRail's proposal.

Jet Boating New Zealand

61. I have reviewed the evidence from Mr Nathan Barker on behalf of Jet Boating New Zealand.
62. Mr Barker's evidence addresses the submission from Jet Boating New Zealand on the Natural Open Space Zone in relation to NOSZ-P1 (s64.021) and NOSZ-P5 (s64.022).
63. The submitter sought to amend NOSZ-P1 to reference that incompatible activities are enabled in a controlled and managed manner to reasonably mitigate adverse effects.
64. The submitter sought to amend NOSZ-P5 to delete reference to 'avoid' and change the focus of the policy to enable incompatible activities in a controlled and managed manner to reasonably mitigate adverse effects.
65. The submitter's evidence considers that NOSZ-P5 which has an 'avoid' direction is contrary to the enabling purpose of the RMA and the policy is therefore inappropriate.
66. Part 2 sets out that the purpose of the RMA is to 'promote sustainable management of natural and physical resources'.² Section 5(2) explains what sustainable management means and whilst the meaning is to **enable** people and communities to provide for their social, economic and cultural well-being [my emphasis]. This enabling is subject to clauses (a)-(c) which include avoiding, remedying or mitigating adverse effects on the environment.³
67. The PDP has been drafted to provide a framework which enables, manages and avoid activities based on the particular characteristics of the zone and overlay. This has been explained by Mr Heale in his Section 42A report for Hearing Stream 1. By way of an example, in the residential zone and industrial activity would be inappropriate because it

² Resource Management Act 1991 Part 2 – Section 5(1)

³ Resource Management Act 1991 Part 2 – Section 5(2)(a)-(c)

would be contrary to the purpose and character of the zone and would result in adverse effects on people living in the residential zone.

68. The Overview and Purpose for the Natural Open Space Zone outlines the characteristics for the zone with the objectives providing overarching direction. The purpose of the zone is to “*ensure the natural environment is retained, and activities, buildings and other structures are compatible with the characteristics of the zone.*” The zone applies to Croydon Bush Reserve and Dolamore Park as shown on the PDP planning maps. The zone does not apply to the Maitava River where I understand jet boating may occur.
69. It is appropriate that the planning framework of the zone enables activities which would support the purpose of the zone and manage or avoid other activities. This does not preclude people from seeking a resource consent for those activities but recognises that without specific mitigation those activities may not be appropriate within the zone. It is appropriate therefore that the Chapter contain enable, manage and avoid policies. This is consistent with the drafting style for the PDP, gives effect to the objectives and as such is consistent with the purpose of the RMA. The framework is also consistent with Section 31 of the RMA⁴.
70. Furthermore, as also explained by Mr Heale in his s42A report for Hearing Stream 1 the enable, manage and avoid direction aligns with the rule framework which permits (enables) certain activities, manages other activities through a restricted discretionary status and avoids other activities through a non-complying activity status.
71. I do not consider NOSZ-P5 to be inappropriate or extreme as noted in the submitter evidence, instead I consider it appropriate to ensure that activities which have the potential to result in adverse effects and be contrary to the purpose of the zone are avoided unless they are deemed appropriate through a resource consent.
72. The consequences of the amendments sought to NOSZ-P5 to change it to an enabling policy, would mean the policy was inconsistent with the rule framework which would result in a lack of direction for plan users and decision makers when considering a resource consent for activities that are non-complying.
73. It is worth noting that the PDP includes a Chapter for ‘Activities on the Surface of Water’ which applies to all waterways across the district including those which run through the Natural Open Space Zone. This Chapter is relevant to the submitter as it controls activities on the surface of water which would include jet boating. This Chapter will be the subject of a future hearing (hearing 7), however, I note that sport and recreational activities are permitted on the surface of water on the Maitava River subject to conditions.

⁴ Resource Management Act 1991 Section 31 ‘Functions of territorial authorities under this Act’

Additional information required by the Hearings Panel

Minute 9 of the Hearings Panel

74. Minute 9 requested written reply on a number of matters, these will be responded to comprehensively by Matt Heale in his right of reply evidence for Hearing Stream 1. However, one of those matters relate to the definition of “service station” which is included in Hearing Stream 2. The recommendation to include a reference to electric vehicle charging infrastructure in the definition of service station is found at paragraph 162 of the Section 42A report: Part 3 Town Centre, Local Centre, Neighbourhood Centre & Mixed Use Zones.

Minute 10 of the Hearings Panel

75. The minute requires the following information to be provided at the commencement of Hearing Stream 2:
- a. A map of the Mixed Use Zone, showing the extent of the Council’s reticulation network.
 - b. If available, details of the provision made, and extent of, fire-fighting capacity within the Airport Zone.
 - c. Advice from Ruth Allen, Principal Urban Regeneration for the Property Group on how the dimensions of 100 square metres and 10 metres in width in TCZ-S1, Activities within the Core Precinct were derived.

Mixed Use Zone reticulation

76. Maps showing each Mixed Use Zone and the reticulated network are provided in **Appendix 4**.
77. The maps indicate that at the very edge of the zone there are some sites which may not have a direct connection to reticulated services. The proposed standard therefore ensures that in these areas, consideration is given to how water and wastewater servicing is provided. This is consistent with the approach adopted in the notified PDP Residential Zone which includes the same servicing standard.

Firefighting capacity in the Airport Zone

78. Neil Mair, Senior Facilities Officer Gore District Council has confirmed that the Gore Airport currently has two 30,000L water tanks, each with a regulated fire hose coupling.

Urban design advice for activities within the Town Centre Core Precinct

79. The PDP provision in relation to activities within the Core precinct were based on urban design advice to encourage the development of more opportunities for fine grain retail to locate in this area to encourage footfall and vibrancy of the centre. Ms Allen has provided further details and background to her recommendation, this is included in full in an updated memo at **Appendix 5**.

80. The 10m shopfront recommendation was determined through a review of existing lot dimensions in areas of the town centre where small grain retail is well established. To determine a potential internal floor plate that would encourage fine grain retail to develop in the town centre a review of typical retail floor plates was undertaken. This review showed that 100m² tended to reflect those retail uses similar to those located on the eastern side of Main Street.
81. However, following the further information request further analysis has been undertaken to confirm that the shopfront and floorplate requirement provide feasible opportunity for retail units to be developed within the existing building stock, noting that this relates to the shop floor only and not back office or storage space. The additional analysis has demonstrated that the 100m² requirement may unnecessarily restrict some of the buildings use for shop floor open to the public. On this basis Ms Allen's recommends that consideration be given to either remove the floor space requirement and relying on the 10m front width requirement to achieve the outcomes sought for the town centre, or increasing the maximum floor space requirement to 250m² whilst still encouraging fine grain retail and avoiding long shop facades along the main streets through the 10m frontage requirement.
82. Based on the updated expert advice the Town Centre Zone chapter has been amended, as shown in **Appendix 2**. This may also need to be considered as a consequential change for consistency, as an identical standard applies in the Local Centre Core Precinct.

Appendix 1

The Fuel Companies (s16)

The Fuel Companies submissions are to support the recommended change to the definition of Service station, acknowledge the rejection of their submissions on TCZ-R13 and TCZ-R17, and emphasise the consequential importance of a standalone TRANS rule that permits the installation of Electric Vehicle Charging Infrastructure. Overall, the Fuel Companies accept the recommendations of the section 42A Report on the Commercial and Mixed Use Zones and will not be attending the hearing. We concur with the Fuel Companies hearing statement and no changes are recommended, the submission in relation to the TRANS chapter will be heard in Hearing Stream 5.

Camp Columba Charitable Trust (s61)

Mr David Andrew Bruce, Camp Manager of Camp Columba with support of Hamish Weir of Southern Horizons are in general agreement with the findings of the section 42A report on the Camp Columba Zone and have provided a revised structure plan with their evidence. However, in response to the officer recommendation to reject the change of activity status for All other activities under CCZ-R8 from Non-Complying to Discretionary the submitter has sought to clarify that their concerns relate to the potential financial cost of obtaining resource consent under this activity status. We disagree and have provided further evidence in response at paragraphs 16 to 34 of this evidence. A default non-complying activity status is consistent with the approach taken throughout the PDP, aligns with policy direction and provides clear direction that certain activities may not be appropriate within the zone.

New Zealand Heavy Haulage Association (s77)

New Zealand Heavy Haulage Association have provided evidence to support their submissions on all zones which are subject to this hearing and to seek the inclusion of a new standard to control the quality of relocatable buildings. The evidence disagrees with the Section 42A report recommendations that Rule TEMP-R8 is sufficient to provide for the relocation and reinstatement of relocatable buildings. The submitter prefers a new standard within each zone. We disagree as outlined in paragraphs 35 to 49 of this evidence. Rule TEMP-R8 provides for the temporary element of relocating and reinstating a relocatable building with the zone provisions permitting the ongoing occupation and use of a relocatable building (subject to conditions) in the same manner as any other building (new or existing).

Jet Boating New Zealand (s64)

Jet Boating NZ have provided evidence to explain their position and to support their submission on the Natural Open Space Zone which sought amendments to NOSZ-P1 and NOSZ-P5 to enable activities which are managed in a controlled manner where adverse effects are mitigated. We disagree with the amendments as discussed at paragraphs 63 to 75 as the amendments are inconsistent with the avoidance of activities which would be inappropriate in the zone, do not align with the rule framework or achieve

the purpose of the objectives. No amendments are recommended in response to the evidence from Jet Boating NZ.

Department of Conservation (s109) (FS31)

The Department of Conservation supports the recommendations made in the Section 42A on the Natural Open Space Zone and the amended provisions shown in Appendix A of that report. Elizabeth Williams confirms this position in her expert evidence as the submission points have been accepted and the further submission in relation to a setback to Significant Natural Areas is to be addressed at the Ecosystem and Indigenous Biodiversity Chapter hearing. Overall, the Director-General of the Department of Conservation is satisfied that the concerns covered in her submission points on the Natural Open Space zone have generally been addressed and advise she no longer wishes to be heard at the Stream 2 Hearing. We concur with the Department of Conservation hearing statement and submitter evidence and no changes are recommended, the submission in relation to setbacks to Significant Natural Areas will be heard in Hearing Stream 9.

NZ Transport Agency Waka Kotahi (s112)

The New Zealand Transport Agency (NZTA) has reviewed the Section 42A reports for Hearing Stream 2 and accept the changes recommended as they relate to NZTA submission points. Where the Section 42A report has not changed a provision in response to a NZTA submission point, we accept the reasoning of the Section 42A report in these instances. As such, NZTA no longer wishes to be heard at the HS2 hearing and we accept this advice.

Heritage New Zealand Pouhere Taonga (s123)

Heritage New Zealand Pouhere Taonga advice that they do not wish to be heard at Hearing 2 for the proposed Gore District Plan and we accept this advice.

KiwiRail (s132)

Michelle Grinlinton-Hancock on behalf of KiwiRail have provided evidence in relation to a 5 metre setback for buildings and structures from the rail corridor boundary in all zones adjacent to the rail corridor, with an associated matter of discretion. The evidence states that this setback is not only critical to ensure the health and safety of the occupants of those properties, but also to ensure the safe and efficient operation of the rail network, which is recognised as nationally and regionally significant infrastructure. The evidence rejects the alternative Designation process to provide for the safe and efficient operation of the rail corridor. The need for the setback is listed to include for:

- Access and maintenance of private buildings without accessing the rail corridor
- Objects falling from windows or scaffolding structures into the rail corridor
- Permissions to enter the rail corridor are onerous and disruptive.

The setback distance of 5m is required to allow for machinery, scaffolding and support structures with space around them for access. Diagrams are provided to illustrate the required setback based on building height.

Louise Elizabeth Robertson Taylor has provided evidence for KiwiRail that assess the statutory and higher order planning framework and provides a Section 32AA evaluation to support Ms Grinlinton-Hancock evidence, seeking a new standard to the TCZ, LCZ, NCZ and MUZ rules requiring buildings be setback 5m from the rail corridor. Ms. Taylor notes that setbacks from other infrastructure that restricts activities on private land are common within district plans. KiwiRail accepts that SARZ-S3 already provides sufficient setback, and therefore seeks no further amendments to this zone. Ms Taylors evidence also seeks an amendment to TRANS-P8 to manage the interface between development and the railway network.

We concur with the KiwiRail evidence that there be a setback to the rail corridor, but that the setback distance be reduced consistent with the other side and rear boundaries, the submission in relation to the TRANS chapter will be heard in Hearing Stream 5.