

Gore Proposed District Plan

Hearing Stream 5

Part 3: Designations

Section 42 of the Resource Management Act 1991

Section 42 Report – Designations

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Interpretation

Abbreviations

Resource Management Act 1991	RMA or ‘the Act’
Gore District Council	GDC or ‘the Council’
Operative District Plan	ODP
Proposed District Plan	PDP
National Planning Standards 2019	PS
Southland Regional Policy Statement 2017	RPS
National Policy Statements	NPS
National Policy Statement on Highly Productive Land	NPS-HPL
National Policy Statement for Freshwater Management	NPS-FM
National Policy Statement for Urban Development	NPS-UD
National Environmental Standards	NES

National Environmental Standard for Freshwater 2020	NES-F
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011	NES-CS

List of Requiring Authorities and identifiers

Chorus NZ Ltd	CNZ
Gore District Council	GDC
KiwiRail Holdings Ltd	KRH
Meteorological Service of New Zealand	MSNZ
Minister of Corrections	MCOR
Minister for Courts	MCOU
Minister of Education	MEDU
Minister of Police / NZ Police	MPOL
New Zealand Transport Agency	NZTA
PowerNet (The Power Company Limited)	PWN
Transpower New Zealand Ltd	TPR

Submitters and Further Submitters Names Abbreviations

KiwiRail Holdings Limited	KiwiRail
Ministry of Education	MOE
New Zealand Transport Agency Waka Kotahi	NZTA
Transpower New Zealand Ltd	Transpower
PowerNet Limited	PowerNet

List of Submitters and Further Submitters

Submission Point	Submitter (S) / Further Submitter (FS)
S10.001	Courtney Horrell
S11.001	Jenna Potter
S25.003	Peter Kempthorne
S48.001	Isobel Agnew
S56.001	Richard Agnew
S6.001	BL & KM Shields Barry Shields
S7.001	Damiyen Crosbie
S8.001	Anton Hoffman
S9.001	Laura-Lee Hoffman
S134.011	Andrea McMillan & Tony Harpur
S25.004	Peter Kempthorne
S132.237	KiwiRail Holdings Ltd
S132.238	KiwiRail Holdings Ltd
S125.099	Ministry of Education
S125.100	Ministry of Education
S125.101	Ministry of Education
S125.102	Ministry of Education
S125.103	Ministry of Education
S125.104	Ministry of Education

Submission Point	Submitter (S) / Further Submitter (FS)
S125.105	Ministry of Education
S125.106	Ministry of Education
S125.107	Ministry of Education
S125.108	Ministry of Education
S125.109	Ministry of Education
S125.110	Ministry of Education
S125.111	Ministry of Education
S125.112	Ministry of Education
S125.113	Ministry of Education
S125.114	Ministry of Education
S125.115	Ministry of Education
S112.175	Waka Kotahi NZ Transport Agency
S112.176	Waka Kotahi NZ Transport Agency
S112.177	Waka Kotahi NZ Transport Agency
S112.178	Waka Kotahi NZ Transport Agency
S112.179	Waka Kotahi NZ Transport Agency
S112.180	Waka Kotahi NZ Transport Agency
S95.026	PowerNet Limited
S95.027	PowerNet Limited
S95.028	PowerNet Limited

1. Executive Summary

1. The Proposed District Plan (“PDP”) for Gore District was publicly notified on 31 August 2023. The PDP includes Designations from these requiring authorities:

CNZ Chorus NZ Ltd

GDC Gore District Council

KRH KiwiRail Holdings Ltd

MSNZ Meteorological Service of New Zealand

MCOR Minister of Corrections

MCOU Minister for Courts

MEDU Minister of Education

MPOL Minister of Police / NZ Police

NZTA New Zealand Transport Agency

PWN PowerNet (The Power Company Limited)

TPR Transpower New Zealand Ltd

2. Designations enable works to be undertaken by requiring authorities without the need to comply with section 9(3) of the RMA. This means that the rules of a district plan do not apply to the designated project or works within the designated site. Where the land is used for a purpose other than the designated purpose, the provisions of a district plan or proposed district plan continue to apply. Designations can also act to protect land from other activities occurring within the designated area.
3. Prior to plan notification all Requiring Authorities were consulted with in accordance with Clause 4 of Schedule 1 of the RMA. The requiring authorities lodged notices to remove, amend or retain their existing designations with or without modification in the proposed plan.
4. 15 designations were required to be retained with no change by the Requiring Authorities consulted by Council. Notices of Requirement for new designations were also lodged with Council by the Minister of Education for two existing schools, and by Gore District Council for eight existing facilities for water supply, water and wastewater treatment plants and waste management, and these have been notified in the PDP in accordance with s170 of the RMA.
5. 39 submissions were received on 26 individual designations included in the PDP. In accordance with Clause 9(3) of Schedule 1 of the RMA, where a designation has been rolled-over from an Operative District Plan (ODP) into a PDP without modification and no submissions are received, the rolled-over designation must be included in the PDP.

6. Submissions in general support of the respective requirements were received from the Ministry of Education, PowerNet Limited, KiwiRail Holdings and Waka Kotahi NZ Transport Agency with some updates to the descriptions and maps sought. A number of submissions were made in general opposition to the new designation GDC-10 East Gore Water Treatment and Pump Station in relation to amenity effects, in particular noise.
7. This report assesses and makes recommendations in response to the issues and submission points raised. This report also assesses and makes recommendations on each of the designations, including the new designations sought, in accordance with 168A and s171 of the RMA.
8. The report has been prepared in accordance with Section 42A of the RMA and outlines recommendations in response to the issues that have been identified through submissions, and on the proposed new designations. The report is intended to assist the Hearings Panel to make recommendations (s171) or decisions (s168A) on the submissions and further submissions on the PDP, and to provide submitters with an opportunity to understand how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.
9. I have made recommendations, including some modifications to the designations included in the PDP, to address matters raised in submissions and other matters identified through assessment of the designations. The key recommendations and modifications are summarised below:
 - Recommend that Gore District Council include conditions for the new designations (GDC5 to GDC-12) in relation to noise levels to be consistent with the underlying zone, and light spill and landscaping to soften the visual effect of their facilities within residential areas.
 - Recommend that the Minister of Education include conditions for the new designations (MEDU-13 and MEDU-14) in relation to notable trees and height to boundary controls consistent with the surrounding zone.
 - Recommend the New Zealand Transport Authority consult with affected landowners (if applicable) regarding the mapping updates to align the area of designation with the formed and operational road, where this land is in private ownership.
 - Recommend to confirm the removal of the condition in relation to the acoustic report required to be provided with an outline plan for the PowerNet designation (PWN-4).
 - Recommend to confirm the removal of construction related conditions for the Transpower designation (TPR-2).
10. The recommendations with respect to any amendments to the designations as notified are shown in Appendix A of this report. Having considered all the submissions and the matters set out in sections 168A and 171 of the RMA, I recommend that the Panel recommend the designations included in the PDP be confirmed or modified as set out in Appendix A of this report.

11. Appendix B of this report adds further detail on officers' recommendations on submissions and whether they should be accepted, accepted in part or rejected. The associated reasoning is set out in the body of this report.
12. Appendix C sets out all unchanged designations where no additional assessment is required and the designations must be included in the Plan as notified and without any further consideration or change.

2. Introduction

2.1 Author and qualifications

13. My name is Tina Carlson-McColl, I am the author of this report. I am employed by The Property Group as a Senior Planner. I hold a Bachelor of Arts Sociology major, Planning minor from LaTrobe University, Australia. I have practiced as a Planner for 9 years in New Zealand and Australia in both district and regional Councils and in the private sector. I am an associate member of the New Zealand Planning Institute (NZPI), which brings with it obligations with regard to continuing professional development.
14. I have been engaged as a contractor by Gore District Council to assist in the District Plan review and prepare the draft and proposed District Plans. I have been the lead planner on the preparation of the following chapters of the PDP, including the drafting of the Section 32 Evaluation reports¹ and the Designations Overview Report²:
 - Transport
 - Historical Heritage
 - Activities on the Surface of Water
 - Earthworks
 - Commercial Centre Zones
 - Designations

¹ [Section 32 Reports | Let's Talk Gore District \(goredc.govt.nz\)](https://goredc.govt.nz/section-32-reports-let-s-talk-gore-district)

² [Proposed District Plan - Designations | Let's Talk Gore District \(goredc.govt.nz\)](https://goredc.govt.nz/proposed-district-plan-designations-let-s-talk-gore-district)

15. My experience includes work on strategic and policy projects as well as consent hearings. I have been involved in Council initiated Plan Changes and variations for Towong Shire Council and Gore District Council.

2.2 Code of Conduct

16. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel. The opinions expressed in this evidence are based on my qualifications and experience and are within my area of expertise. If I rely on the evidence or opinions of another my evidence will acknowledge that position.
17. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearing commissioners ("Hearings Panel").

3. Scope of report and topic overview

18. This report considers the notices of requirements provided by the requiring authorities and submissions that were received by the Council in relation to the Designations chapter(s) of the PDP. The assessment of the requirements and submissions will generally follow this format:
- Requirement information
 - Submission information
 - Analysis of requirements and submissions
 - Recommendation and any amendments
19. Recommendations are made to either confirm the requirement, modify the requirement, or impose conditions. Recommended amendments are shown by way of strikeout and underlining. Appendix A of this report contains a copy of the Designations chapter with all recommended amendments are shown by way of strikeout and underlining.
20. I note that Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. As set out further below I have recommended this approach be adopted for the MPOL-2 designation part removal, and the removal of additional information from the designations tables in relation to the former designation an nature of modification.

4. Statutory considerations and planning framework

4.1 Resource Management Act 1991

21. The PDP has been prepared in accordance with the RMA and in particular in relation to the Designations topic the requirements of Clause 4 of Schedule 1, 'Requirements to be inserted prior to notification of proposed district plans'
22. When reviewing a district plan, Clause 4(1A) and 4(1B) of Schedule 1 requires the Council to invite requiring authorities that have an existing designation in the earlier ODP that has not lapsed to give written notice to the Council stating whether the requiring authority requires the Council to include the designation in its PDP, with or without modification.
23. In August 2022, the Council issued a written notice in accordance with Clause 4(1). The notice also requested that the requiring authorities issue notices of requirement for any new designations sought. The provision for the designations included in its proposed plan is as per the notices provide by the requiring authorities and is set out in the Designations Overview Report.
24. The submission process on designations ran in parallel to the submission process on all other content in the PDP. The requirements for recommendations and decisions on notices of requirement for new designations and existing designations in the PDP are set out in Clause 9 of Schedule 1, and clause 13 provides for the subsequent decision process to be followed by a requiring authority following any recommendation made under section 171 RMA.
25. As set out in the Designations Overview Report there are a number of higher order planning documents and other relevant plans which have provided direction and guidance for the preparation of the PDP. These documents and an outline of all relevant consultation and statutory considerations prior to public notification of the PDP are outlined in the report. The Section 42A Introduction, General Provisions and Urban Form and Development also provides an overview of the relevant Statutory considerations, higher order planning documents and other relevant plans and policies.
26. It is not considered necessary to repeat the detail of all of the relevant RMA sections and higher order documents in the Designations Overview Report this report. However, where a section of the Act or higher order document is considered particularly relevant to the assessment of submissions or where there have been amendments to higher documents relevant to this topic these are discussed below.

4.2 Section 168A Notice of Requirement by territorial authority

27. In relation to the consideration of a notice of requirement by Gore District Council (GDC), section 168A of the RMA states:

...

(3) When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—

(a) any relevant provisions of—

(i) a national policy statement:

(ii) a New Zealand coastal policy statement:

(iii) a regional policy statement or proposed regional policy statement:

(iv) a plan or proposed plan; and

(b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—

(i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or

(ii) it is likely that the work will have a significant adverse effect on the environment; and

(c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and

(d) any other matter the territorial authority considers reasonably necessary in order to make a decision on the requirement.

(3A) The effects to be considered under subsection (3) may include any positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from the activity enabled by the requirement, as long as those effects result from measures proposed or agreed to by the requiring authority.

(4) The territorial authority may decide to—

(a) confirm the requirement:

(b) modify the requirement:

(c) impose conditions:

(d) withdraw the requirement.

(5) Sections 173, 174, and 175 apply, with all necessary modifications, in respect of a decision made under subsection (4).

4.3 Section 171 Recommendation by territorial authority

28. In relation to the consideration of a notice of requirement from any other requiring authority, section 171 of the RMA states:

(1) When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—

(a) any relevant provisions of—

(i) a national policy statement:

(ii) a New Zealand coastal policy statement:

(iii) a regional policy statement or proposed regional policy statement:

(iv) a plan or proposed plan; and

(b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—

(i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or

(ii) it is likely that the work will have a significant adverse effect on the environment; and

(c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and
(d) any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.

(1B) The effects to be considered under subsection (1) may include any positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from the activity enabled by the designation, as long as those effects result from measures proposed or agreed to by the requiring authority.

(2) The territorial authority may recommend to the requiring authority that it—
(a) confirm the requirement:
(b) modify the requirement:
(c) impose conditions:
(d) withdraw the requirement.

(2A) However, if the requiring authority is the Minister of Education or the Minister of Defence, the territorial authority may not recommend imposing a condition requiring a financial contribution (as defined in section 108(9)).

(3) The territorial authority must give reasons for its recommendation under subsection (2).

4.4 Schedule 1, Clause 9 Recommendations and decisions on requirements

29. Clause 9 of Schedule 1 of the RMA states:

(1) The territorial authority shall make and notify its recommendation in respect of any provision included in the proposed district plan under clause 4(5) to the appropriate authority in accordance with section 171 or section 191.

(2) The territorial authority shall make its decision on provisions included in the proposed district plan under clause 4(6) in accordance with section 168A(3) or section 189A(3), as the case may be.

(3) Nothing in this clause shall allow the territorial authority to make a recommendation or decision in respect of any existing designations or heritage orders that are included without modification and on which no submissions are received.

30. In accordance with Clause 9 my recommendations have therefore been made to:

- on all of the (non-GDC) designations to support a *recommendation* to the requiring authorities on these provisions (as set out in Clause 9(1) above); and
- on the GDC designations to support a *decision* to be made by the panel on these provisions (as set out in clause 9(2) above).

All existing designations that are rolled-over without modification and on which no submissions are received must be included in the district plan (as set out in Clause 9(3) above).

5. Background

31. The Section 42A Introduction, General Provisions and Strategic Direction Report, prepared for Hearing Stream 1, includes details of the PDP notification, submission statistics and a general overview of the background to the PDP. In addition, the report provides an overview of National Planning Instruments and other Policies and Plans relevant to the PDP as a whole.
32. A designation is a planning technique used by Ministers of the Crown, local authorities and network utility operators approved as requiring authorities under s167 of the Resource Management Act 1991 (RMA). Only requiring authorities can seek designations for land.
33. Requiring authorities can only make a designation where they are financially responsible for the project, work, or operation on the designated land. The designation authorises the requiring authority's work and activity on the site, area or route without the need to comply with the land use rules of the district plan.
34. A designation restricts anyone other than the requiring authority from carrying out work on the designated land that will prevent or hinder the project or work to which the designation relates, without first obtaining the permission of the requiring authority.
35. The 'underlying zone' of the district plan remains over the site and applies to any other activities that are for a purpose different to the designation purpose (or activities undertaken by a party other than the requiring authority). Therefore, any activity or works outside the scope of a designation will require resource consent unless the activity or works are a permitted activity within the underlying zone.
36. The Designations Overview Report provides an overview of the designations included in the PDP. There are 11 requiring authorities that have sought designations be rolled over from the ODP or issued notices of requirement to be included in the PDP, as listed below. The report includes the information as it had been provided by the relevant requiring authority for their designations, including existing, new and altered designations.
37. The full list of the designations included in the PDP is:

CNZ Chorus NZ Ltd

- CNZ-1 Gore Exchange and Administration Site
- CNZ-2 High Peak Microwave Station
- CNZ-3 Pukerau Exchange
- CNZ-4 Maitāwhiri Exchange

GDC Gore District Council

- GDC-1 Coopers Wells Water Supply – Access
- GDC-2 Coopers Wells Water Supply – Water Supply Protection Area
- GDC-3 Coopers Wells Water Supply – Water Supply Operational Area
- GDC-4 Coopers Wells Water Supply – Emergency Take Utilities Route
- GDC-5 Jacobstown Wells Water Supply
- GDC-6 Maitāwhiri Water Supply Treatment Plant
- GDC-7 Maitāwhiri Wastewater Treatment Plant

GDC-8 Gore Wastewater Treatment Site
GDC-9 Waikaka Wastewater Site
GDC-10 East Gore Water Treatment and Pump Station
GDC-11 Hilbre Ave Water Supply Treatment
GDC-12 Gore Transfer Station

KRH KiwiRail Holdings Ltd
KRH-1 Main South Line

MSNZ - Meteorological Service of New Zealand
MSNZ-1 Gore Automatic Weather Station

MCOR - Minister of Corrections
MCOR-1 Gore Community Work Centre

MCOU - Minister for Courts
MCOU-1 Gore Court House

MEDU-Minister of Education
MEDU-1 Gore High School
MEDU-2 Longford Intermediate
MEDU-3 Longford Intermediate Longford Kindergarten
MEDU-4 East Gore Primary
MEDU-5 Gore Main Primary
MEDU-6 West Gore Primary
MEDU-7 Elsie Street Kindergarten
MEDU-8 Oxford St Kindergarten
MEDU-9 Mataura School
MEDU-10 Waikaka Primary School
MEDU-11 Pukerau School
MEDU-12 Knapdale School
MEDU-13 St Peters College, Gore
MEDU-14 St Mary's School, Gore
MEDU-15 Otama School

MPOL - Minister of Police / NZ Police
MPOL-1 Gore Police Station

MPOL-2 Mataura Police Station³

NZTA New Zealand Transport Agency

NZTA-1 State Highway 1

NZTA-2 State Highway 90

NZTA-3 State Highway 93

NZTA-4 State Highway 94

NZTA-5 State Highway 96

PWN - PowerNet (The Power Company Limited)

PWN-1 North Gore Substation

PWN-2 South Gore Substation

PWN-3 Mataura Substation

PWN-4 Waikaka Substation

PWN-5 McNab substation

TPR - Transpower New Zealand Ltd

TPR-1 Gore Substation

TPR-2 Gore Tee

6. Consideration of Designations and Submissions

6.1 Structure of the report

38. The report should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in **Appendix B**. Where I have undertaken further assessment of the relief sought in a submission(s), the assessment and recommendations are set out in the body of this report. I have provided a marked-up version of the Chapter with recommended amendments in response to submissions as **Appendix A**; and all unchanged chapters are included as **Appendix C**.

³ NZ Police provided notice to partially remove the MPOL-2 designation under S182 of the Act (OTHR-23705) after providing notice under Clause 4 that the Designation be rolled over without modification. The amendments to reflect the removal are proposed to be made to the PDP maps under Clause 16 as an alteration of minor effect.

39. In each section of this report, I consider the effects on the environment of allowing the proposed new requirements. All of the designations support infrastructure that delivers positive effects to communities. These positive effects will be generally assumed and are not addressed in particular detail in my assessment for each designation unless, on occasion, it may be appropriate to do so.
40. With respect to decision-making criteria outlined in section 168A(3) and 171(1) the assessments undertaken for rolled-over designations are focused on the adverse effects of any proposed modification.
41. A detailed consideration of relevant policy statements and plan provisions has not been undertaken as the existing designations, and the Notices of Requirement for new designations, are already established. Similarly, consideration of alternative sites, routes and methods have not been explored in detail in most cases because the subject land is already owned or vested in the requiring authority, or it is likely that the work will have no significant adverse effect on the environment. However, where a more detailed assessment is required with respect to s168A(3) or s171 this is included in the assessment of the specific designation.
42. As already noted, in accordance with Clause 9(3) of Schedule 1 of the RMA, where a designation has been rolled-over from the ODP into the PDP without modification and no submissions are received, the rolled-over designation must be included in the PDP. Where modifications to a designation are immaterial in nature I have treated these as rolled-over with no modifications from a procedural perspective. Such changes include:
- Updated identifier, names, legal descriptions and/or street address (where the mapped area has not been changed).
43. Accordingly, I have not assessed those particular designations in this report and they will be included in the decisions version of the District Plan without further formality. All designations in this category are listed below and included with the unchanged designations in **Appendix C** of this report:

CNZ - Chorus NZ Ltd

CNZ-1 Gore Exchange and Administration Site

CNZ-2 High Peak Microwave Station

CNZ-3 Pukerau Exchange

CNZ-4 Maitake Exchange

GDC - Gore District Council

GDC-1 Coopers Wells Water Supply – Access

GDC-2 Coopers Wells Water Supply – Water Supply Protection Area

GDC-3 Coopers Wells Water Supply – Water Supply Operational Area

GDC-4 Coopers Wells Water Supply – Emergency Take Utilities Route

MSNZ - Meteorological Service of New Zealand

MSNZ-1 Gore Automatic Weather Station

MCOR - Minister of Corrections

MCOR-1 Gore Community Work Centre

MCOU - Minister for Courts
MCOU-1 Gore Court House

MPOL - Minister of Police / NZ Police
MPOL-1 Gore Police Station
MPOL-2 Maitake Police Station

PWN - PowerNet (The Power Company Limited)
PWN-1 North Gore Substation

6.2 Overview of designations and decisions/recommendations required

44. The designations chapters are contained in the PDP under the Designations heading within Part 3: Area Specific Matters, as required in the National Planning Standards.
45. The designation chapters are ordered alphabetically by requiring authority name and each chapter includes a table for each designation that describes the designation held by each requiring authority within the Gore District.
46. These tables show:
 - a. unique identifier (number) of each designation;
 - b. designation purpose;
 - c. site identifier (legal descriptions and street address);
 - d. Lapse date and whether the designation has been given effect to;
 - e. Designation hierarchy under section 177 of the Resource Management Act;
 - f. Whether any conditions apply; and
 - g. Any additional information – commonly whether it's a designation that has been rolled over from the previous district plan (and the historic reference).
47. All designations are identified and annotated on the planning maps by way of an abbreviated name of the requiring authority (specific to each requiring authority) and designation number.
48. There are 11 requiring authorities that have sought designations be rolled over from the ODP or issued notices of requirement to be included in the PDP. All of these designations include minor changes to align with the requirements of the National Planning Standards. Of these 25 were the subject of submissions to be considered by the panel, and 16 were not modified or the subject of any submission and must be rolled over directly into the new plan.
49. In addition, alterations and modifications were sought to a number of rolled-over Designations, as follows:

PWN-PowerNet (The Power Company Limited)
PWN-4 Waikaka Substation – change to conditions

TPR-Transpower
TPR-2 Gore Tee – change to conditions

50. Notices of Requirement for new designations were included in and notified with the PDP in accordance with sections 168 and 170 of the RMA. The new designations that are sought are:

51. The independent hearings panel has the ability to make a recommendation to the requiring authorities on the 23 designations which have been retained in the PDP essentially in their original form that are subject of submissions; and on the two amended designations of PowerNet and Transpower; and also on the 2 new designations of MED. The recommendation may be to confirm or modify the requirement, impose conditions, or withdraw the requirement.
52. There are 4 designations that GDC has sought be rolled over from the ODP. Minor changes to these are proposed to align with the requirements of the National Planning Standards. All 4 of these were not the subject of any submission and must be rolled over directly into the new plan.
53. Notices of Requirement for new designations were included in and notified with the PDP in accordance with section 168 & 168A of the RMA. The new designations that are sought by GDC are:

GDC-5 Jacobstown Wells Water Supply
GDC-6 Mataura Water Supply Treatment Plant
GDC-7 Mataura Wastewater Treatment Plant
GDC-8 Gore Wastewater Treatment Site
GDC-9 Waikaka Wastewater Site
GDC-10 East Gore Water Treatment and Pump Station
GDC-11 Hilbre Ave Water Supply Treatment
GDC-12 Gore Transfer Station

54. The recommended amendments to the relevant chapters are set out in **Appendix A** of this report where all text changes are shown in a consolidated manner.

6.3 Overview of submissions

55. A total of 39 submissions are addressed in this report. Submissions in general support of their requirements were received from the Ministry of Education, PowerNet Limited, KiwiRail Holdings and Waka Kotahi NZ Transport Agency with some updates to the descriptions and maps sought. Submissions were generally opposed to the new designation GDC-10 East Gore Water Treatment and Pump Station in relation to amenity effects, in particular noise.

6.4 Format for consideration of submissions and designations

56. For each identified topic, I have considered the submissions that are seeking changes to the PDP in the following format:

- Notice of Requirements;

- Matters raised by submitters;
- Assessment;
- Summary of recommendations.

57. The recommended amendments to the relevant designation chapters are set out in **Appendix A** of this report where all text changes are shown in a consolidated manner.

58. Section 32AA evaluations are not required in the context of this hearing report for designations. This is because designations do not constitute plan provisions for which any s32AA evaluation is required.

6.5 GDC - Gore District Council

Notice of Requirements for new designations

59. The Gore District Council (GDC) have required that eight new Designations are included in the plan, these designations are for existing established public utilities for water supply, wastewater and water treatment and waste management, as follows:

- GDC-5 Jacobstown Wells Water Supply
- GDC-6 Mataura Water Supply Treatment Plant
- GDC-7 Mataura Wastewater Treatment Plant
- GDC-8 Gore Wastewater Treatment Site
- GDC-9 Waikaka Wastewater Site
- GDC-10 East Gore Water Treatment and Pump Station
- GDC-11 Hilbre Ave Water Supply Treatment
- GDC-12 Gore Transfer Station

60. The designations are sought to raise awareness of the facilities and to provide legal authorisation for the works (both existing and future works) their construction, operation, maintenance, repair, reconstruction, extension, modification, replacement, and improvement.

61. The Council have stated in their Notices of Requirement for the above sites that since the requirements are for established facilities these form part of the receiving environment and no conditions are considered necessary, and that the effects of any future works will be managed through the outline plan process.

Matters raised by submitters

62. Submissions in opposition have been received in relation to GDC-10 East Gore Water Treatment and Pump Station, as listed below, where some concerns around environmental effects, visual, noise and lights from the plant have been raised:

- S10.001 Courtney Horrell
- S11.001 Jenna Potter
- S25.003 Peter Kempthorne
- S48.001 Isobel Agnew

- S56.001 Richard Agnew
- S6.001 BL & KM Shields Barry Shields
- S7.001 Damiyen Crosbie
- S8.001 Anton Hoffman
- S9.001 Laura-Lee Hoffman
- S134.011 Andrea McMillan & Tony Harpur

63. A number of submissions were also received in opposition to the Water Supply Treatment Facility Buffer Area around the Mataura Water Supply Treatment Plant (GDC-6) and East Gore Water Treatment and Pump Station (GDC-10) in the General Residential Zone. I note that the content of, and relief sought, in these submissions in relation to the buffer area was considered in the section 42A report for Hearing Stream 4 and does not need to be further considered in this report. Recommendations included that the buffer be removed and that the designations will provide sufficient awareness of and protection for the infrastructure.

64. Peter Kempthorne (S25.004) has also raised that there is inconsistent protection of Hilbre Avenue Water Treatment Plants when compared with East Gore and Mataura.

65. Andrea McMillan & Tony Harpur (S134.011) have raised concerns about the East Gore Water Treatment Plant and Pump Station (GDC-10), including the environmental effects which have not sufficiently been assessed, in particular noise, and they consider that the plant has not been lawfully established. The submission considers that the activity conflicts with the purpose of the surrounding General Residential Zone and with the PDP Noise objectives and policies, and that alternative locations have not sufficiently been considered.

Assessment

66. The eight new GDC Designations are for the following already established facilities:

GDC-5 Jacobstown Wells Water Supply

The Jacobstown Wells Water Supply Site is a 2.8389 hectare site in Council ownership and is located north of the Gore township at the start of the Waimea Highway and west of the Mataura River. The site is located in the General Rural Zone and within the Mataura River floodway. The site has two existing wells and on average, 1,200 cubic metres of water is pumped daily from a ground water aquifer. GDC has consent from the Southland Regional Council to take up to 3,000 cubic metres of water per day. Currently the water is pumped to the Hilbre Avenue Water Treatment Plant where the water is treated before being distributed to properties in West Gore. The Council is currently working on a project to allow the water to be pumped to the East Gore Water Treatment plant for treatment before then being pumped back across the river to the Hilbre Avenue Site.

GDC-6 Mataura Water Supply Treatment Plant

The Mataura Water Supply Treatment Site is a 7394 square metre site in Council ownership located to the east of the Mataura Township on Doctors Road. The site is located within the Large Lot Residential Zone. The facility is fed water sourced from the Pleura Stream, east of Mataura on Cameron Road. GDC holds a regional council consent to take up to 1500 cubic metres of water per day from the Pleura Stream, and to take up to 2000 cubic meters of water

per day directly from the Mataura River when the flow from the Pleura Stream cannot meet the demand of the Mataura Township.

GDC-7 Mataura Wastewater Treatment Site

The Mataura Wastewater Treatment Site is a 13.3744 hectare site in Council ownership located approximately 2.6km south of the Mataura township. The site is approximately 300 metres west of SH1 and adjoins the Mataura River to the east, and includes treatment ponds. The site is located in the General Rural Zone and within an Area Susceptible to Inundation.

GDC-8 Gore Wastewater Treatment Site

The Gore Wastewater Treatment Site is an approximately 34 hectare site in Council ownership located at 23 Grasslands Road, and the Mataura River to the east, approximately 500m east of the Gore-Mataura Highway (SH1) and 300m south of Salford Street. The Gore Wastewater Treatment Site is the primary wastewater treatment site for the Gore Township and includes the oxidation ponds. The site is located in the General Rural Zone and within the Mataura River floodway.

GDC-9 Waikaka Wastewater Site

The Waikaka Wastewater Treatment Site is a 7463 square metre site in Council ownership located approximately 500m to the south of the Waikaka township. The Waikaka Wastewater Treatment Plant is the primary treatment site for the Waikaka Township and includes treatment ponds. The site is located in the General Rural Zone.

GDC-10 East Gore Water Treatment and Pump Station

The East Gore Water Treatment Plant and Pump Station is a 4.18 hectare site in Council ownership, and has frontage to both Wentworth and Talbot Streets, with a formed access from Wentworth Street. The facility within the site is fenced off and setback from the street frontage of Wentworth Street by approximately 100m and 50m from Talbot Street. The site is located within the General Residential Zone.

GDC-11 Hilbre Ave Water Supply Treatment

The Hilbre Ave Water Supply Treatment Site is a 4805 square metre site in Council ownership and is located at 15 Hilbre Avenue in the northern part of Gore. The site is within a residential area between Takitimu and High Street, and Hilbre Avenue and is accessed from Hilbre Ave. The site is located within the General Residential Zone.

GDC-12 Gore Transfer Station

The Gore Transfer Station is a 2253 square metre site in Council ownership located at the eastern end of Toronto Street, south of State Highway 1 and adjoining the Waikaka Stream to the east. The site is partially located in the General Rural Zone and Mixed Use Zone and within the Waikaka Stream floodway.

67. A more detailed description of the facilities is included in the Notices of Requirement.

68. The proposal is consistent with the direction of the RPS for the management of natural and physical resources, in particular in terms of the protection and operation of critical infrastructure (Objective INF.1, Policy INF.1 and INF.3), and urban development (Objective

URB-1) and the strategic objectives of the PDP, including UFD-O1, UFD-O2 and UFD-O7 as the reticulated network is essential in providing for growth and new development in an integrated and sustainable manner.

69. The facilities play a vital role in providing water treatment, supply and waste management and the utilities provide an overall benefit to the community. The Water Supply Treatment Plant has an operational need to locate in a residential zone because of technical, logistical and operational characteristics.
70. As the facilities are well-established and all the sites are owned and administered by Council I consider that it has sufficient interest in the land and it unnecessary to provide a detailed consideration of alternative sites. I also agree that designating these sites will provide more certainty to the requiring authority to provide certainty for the strategic planning and management of the site, and will provide greater awareness of the facilities.
71. The facilities have operated on their respective sites for a period of time and are considered part of the existing environment, however no technical expert effects assessments and no details relating to the establishment of the facilities or their operation have been provided with the requirements, which are issues raised in the submission by Andrea McMillan & Tony Harpur (S134.011).
72. Moreover, although I agree that the effects of any future works are able to be properly managed through the outline plan process, submitters have raised a number of amenity effects relating to the ongoing operation of the East Gore water treatment plant (S10.001 Courtney Horrell, S11.001 Jenna Potter, S25.003 Peter Kempthorne, S48.001 Isobel Agnew, S56.001 Richard Agnew, S6.001 BL & KM Shields Barry Shields, S7.001 Damiyen Crosbie, S8.001 Anton Hoffman, S9.001 Laura-Lee Hoffman, S134.011 Andrea McMillan & Tony Harpur). I therefore consider that it would be appropriate that conditions are included to manage these effects, including in relation to noise, light spill and landscaping to soften the visual appearance as the facilities and tanks are not necessarily consistent with anticipated residential amenity values. Although submissions have only been received on GDC-10, in my view there are other water treatment plants within residential areas that may have similar amenity effects which may appropriately be managed in this manner. On this point I note that the inconsistent treatment of the sites is also raised in submission by Peter Kempthorne (S25.004) and accept this is a matter for consideration by the panel.
73. In terms of the wastewater treatment sites, no submission have been received in relation to these, and they are located within the General Rural Zone which has a different character where there is greater separation from residential activities and potential amenity effects may not be as noticeable. Tanks, sheds and ponds are consistent with the anticipated rural visual character, and visual effects are therefore not considered a concern. However, I consider it appropriate that noise and light spill is managed consistent with the surrounding zone to manage potential amenity effects.

Recommendation

74. I recommend, for the reasons given above, that the notices of requirement for land shown as Designations GDC-5 GDC-6 GDC-7 GDC-8 GDC-9 GDC-10 GDC-11 and GDC-12 are confirmed,

with conditions relating to noise, light spill and visual effects consistent with the surrounding zone as shown in **Appendix A**.

75. It is recommended that submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.6 KRH - KiwiRail Holdings Ltd

Notice of Requirement

76. KiwiRail has sought to roll-over their existing designation with minor modifications including updates to the requiring authority, site identifier and corrections to maps. The designation is identified as KRH-1.

Matters raised by submitters

77. KiwiRail (S132.237) (S132.237) generally supports the designation layer in the Proposed Gore District Plan but have identified two locations as being missed from the KRH-1 designation mapped area provided by KiwiRail and seeks amendment to the maps to include the entire rail corridor at both locations, as shown below:

Pukerau – Landslip Valley Road



McNab – MacGibbon Road



KiwiRail has indicated they will provide the updated map layer

Assessment

78. The modifications sought in relation to the designation purpose, site identifier/physical and legal descriptions of the sites are considered to be minor amendments and are able to be accepted without further formality.
79. The triangular shaped land parcel (Section 8 Block IV TN OF Pukerau SO 1681) located between the KRH-1 and NZTA-1 in the Pukerau – Landslip Valley Road location is gazetted as railway purposes reserve, but is outside the area of designation. The adjustment to the boundary of the designation is overall considered to be a minor change and only affects land owned by the requiring authority, and I therefore agree with the proposed alteration.
80. In terms of the McNab – MacGibbon Road location, this is already included within the area of designation, however the KRH-1 and NZTA-1 designation overlap in this location. As it is already within KRH-1, in my view the correction to the maps is not considered necessary.

Recommendation

81. I recommend, for the reasons given above, that the KiwiRail Holdings Limited designations is confirmed and the KRH-1 map layer is updated to include Section 8 Block IV TN OF Pukerau SO 1681.

6.7 MEDU - Minister of Education

Notice of Requirements

82. The Ministry of Education have required the roll-over of their designations, with amendments to the identifier, purpose and school names. The designations are listed below:

MEDU-1 Gore High School
MEDU-2 Longford Intermediate
MEDU-3 Longford Intermediate Longford Kindergarten
MEDU-4 East Gore Primary
MEDU-5 Gore Main Primary
MEDU-6 West Gore Primary
MEDU-7 Elsie Street Kindergarten
MEDU-8 Oxford St Kindergarten
MEDU-9 Mataura School
MEDU-10 Waikaka Primary School
MEDU-11 Pukerau School
MEDU-12 Knapdale School
MEDU-15 Otama School

83. The Ministry of Education requires the inclusion of an explanatory note within the Designation Schedule to define 'Education Purposes' to read:

Note: "Education Purposes" in the designated purpose means to:

- (a) Enable the use of the facilities on the *site* by and for the educational benefit of any preschool and school age students (i.e. years 0 to 13) regardless of whether they are enrolled at the institution located on the *site*.
- (b) Enable the provision of supervised care and study opportunities for students outside school hours in school facilities.
- (c) Enable the provision of community education (e.g. night classes for adults) outside school hours in school facilities.
- (d) Include but not be limited to the provision of academic, sporting, social and cultural education including through:
 - (i) Formal and informal recreational, sporting and outdoor activities and competitions whether carried out during or outside school hours;
 - (ii) Formal and informal cultural activities and competitions whether carried out during or outside school hours;
 - (iii) The provision of specialist hubs and units (including language immersion units and teen parenting units) for children with particular educational requirements or special needs.
- (e) Enable the use of facilities for purposes associated with the education of students including school assemblies, functions, fairs and other gatherings whether carried out during or outside school hours.
- (f) Enable the provision of associated administrative services; carparking and vehicle manoeuvring; and health, social services and medical services (including dental clinics and sick bays).
- (g) Enable housing on site for staff members whose responsibilities require them to live on site (e.g. school caretaker) and their families.

84. The Ministry of Education have required that two new Designations are included in the plan, these designations are for existing established schools, as follows:

MEDU-13 St Peters College, Gore
MEDU-14 St Mary's School, Gore

85. The Ministry does not propose any restrictions given the long-established educational purposes and operations presently conducted upon the land and consider that there are no adverse environmental effects relating to the requirements.

Matters raised by submitters

86. No submission have been received on the requirements, except that they are supported by the Ministry of Education seeking that they are retained (S125.099) (S125.100) (S125.101) (S125.102) (S125.103) (S125.104) (S125.105) (S125.106) (S125.107) (S125.108) (S125.1099) (S125.110) (S125.111) (S125.112) (S125.113) (S125.114) (S125.115).

Assessment

Rolled-over designations

87. The modifications sought in relation to the designation purpose, site identifier/physical and legal descriptions are considered to be minor amendments that provide updates for clarity and national consistency and are of minor consequence.

88. The rolled-over designations are already in existence and therefore given effect to. There are not expected to be any additional, or changes to, the adverse effects on the environment from the designations. However, a number of the rolled over designations have identified heritage items and notable trees within the grounds, including the designations listed below:

MEDU-1 Gore High School
MEDU-2 Longford Intermediate
MEDU-4 East Gore Primary
MEDU-5 Gore Main Primary
MEDU-10 Waikaka Primary School
MEDU-11 Pukerau School
MEDU-15 Otama School

89. Although it is considered that it would be desirable that a general condition or restriction should apply in relation to these, there is however limited scope to recommend heritage item or notable tree conditions to be included in relation to the rolled-over designation as the only submissions are in support from the requiring authority and no modifications are sought.
90. The designations are considered to be reasonably necessary in respect of providing certainty for the ongoing operation and maintenance of the facilities covered by the designations.
91. Consideration of alternative sites, routes or methods is not necessary as the designations and associated infrastructure are already in existence and the designations are not changing in geographic extent.
92. The proposed change to include a note to define education purpose provides clarity and greater guidance, however I do note that the advisory note is more detailed and has a broader scope than the definition of educational facilities contained in the National Planning Standards and the PDP.

New Designations

93. The two new MEDU Designations are for existing established schools, detailed below:

MEDU-13 St Peters College, Gore

A state integrated co-educational secondary College for Years 7 to 13 with a current roll of approximately 430 students. The College has 30 teaching spaces, a library, chapel, gymnasium, tennis courts, sports fields and parking areas. The area of state integrated land is 9.3649 hectares. At the southern end of the college are boarding facilities which are not state integrated facilities and are not included in the proposed designation.

MEDU-14 St Mary's School, Gore

A state integrated co-educational Catholic primary school for Years 1 to 6. The current roll is approximately 213. The school has 10 teaching spaces, a library, adventure playground, tennis courts chapel, gymnasium, tennis courts, sports fields and parking areas. The area of state integrated land is 1.6874 hectares. At the eastern end of the site is the church and presbytery which are not state integrated facilities and are not included in the proposed designation.

94. A more detailed description of the schools is included in the Notices of Requirement.

95. Both of the schools have been operating on their respective sites for a long period of time. The effects on the environment from the schools are considered part of the existing environment, with the designation not considered to enable adverse effects beyond those occurring as a result of the existing and on-going operation of the schools. I concur with the assessment included in the Notice of Requirement, and consider there to be no significant adverse effects as a result of the two Notices of Requirement.
96. I also agree that it is appropriate for these designations to be generally confirmed without additional restrictions as future development of these sites are subject to the outline plan process consistent with section 176A of the Act which includes matters to avoid, remedy, or mitigate any adverse effects on the environment.
97. However, there is a Notable tree (TREE-48) located within the St Mary's School grounds, and as noted above I consider that it would be desirable that a condition or restriction should apply in relation to this consistent with the Notable Tree chapter of the PDP. Moreover, the bulk, scale and location of future buildings could potentially have a dominance or shading effect on the adjoining residential properties and I would therefore recommend that a condition is included in relation to height to boundary control consistent with the adjoining zone to manage these effects.
98. As both schools are well-established I consider it unnecessary to provide a detailed consideration of alternative sites, and I agree that designating these sites will provide more certainty to the requiring authority as to what can be developed without having to defer to a resource consent process.
99. No submissions were received on either of the two new designations, except in support from the requiring authority.

Recommendation

100. I recommend that the Ministry of Education designation purpose, site identifier/physical and legal descriptions are confirmed.
101. I recommend, for the reasons given above, that the notices of requirement for land shown as Designations MEDU-13 and MEDU-14 are confirmed, with conditions relating to notable trees and height to boundary controls consistent with the surrounding zone as shown in **Appendix A**.
102. It is recommended that submissions relating to MEDU – Ministry of Education are accepted as shown in **Appendix B**.

6.8 NZTA - New Zealand Transport Agency

Notice of Requirement

103. The New Zealand Transport Agency has sought to roll-over the existing designations with minor modifications including updates to the site identifier, purpose and corrections to maps. The designations are identified as NZTA-1 NZTA-2 NZTA-3 NZTA-4 and NZTA-5.

104. The purpose of the designations was modified to be “To construct, operate, maintain, and improve a state highway and associated infrastructure” instead of “state highway purposes”.
105. The required modifications to designation boundaries are to align the designation boundary with the surveyed legal road corridor boundary, and to extend the designation boundary in discrete locations to reflect the existing formed and operational road corridor.

Matters raised by submitters

106. Waka Kotahi NZ Transport Agency (S112.180) generally support the inclusion of state highway designations on the planning maps, however seeks that the area of designations provided by NZTA be corrected in discrete locations to align with the most up to date legal road boundaries or to be modified to incorporate the full width of the existing formed and operational road corridor. The amendments are shown in Appendix 4 of the NZTA submission.
107. Moreover NZTA (S112.175) (S112.176) (S112.177) (S112.178) seeks amendments to the wording of the Site Identifier for each designation to remove the word ‘Council’ as shown below:

...from the Clutha District ~~Council~~ boundary in the east to the Southland District ~~Council~~ boundary in the south...

Corrections to the Site Identifier for NZTA-5 are also sought to reflect the actual extent of State Highway 96 (S112.179).

Assessment

Rolled-over designations

108. The modifications sought in relation to the designation purpose, site identifier/physical and legal descriptions of the sites are considered to be minor amendments. The corrections to the maps reflect updated NZTA GIS files of the state highway network.
109. The modified purpose will reflect the existing use of the land and the work Waka Kotahi carries out to ensure the continued safe and efficient operation of the state highway network within Gore District. The proposed modifications will also ensure the designation purpose is consistent with other Waka Kotahi designations within operative and proposed district plans elsewhere across New Zealand.
110. The designations are already in existence and therefore given effect to. There are not expected to be any additional, or changes to, the adverse effects on the environment from the designations. However, with respect to mapping, some of the modifications may extend over private property. Consideration of alternative sites, routes or methods is however not necessary as the designations and associated infrastructure are already in existence, and physical location and extent of the state highways are not changing.
111. I consider the designations are reasonably necessary in respect of providing certainty for the ongoing operation and maintenance of the road infrastructure covered by the designations.

However, I note my concerns with the lack of clarity on the impact on land not owned by NZTA with respect to the mapping modifications.

Submission

112. In terms of the NZTA submissions, the changes sought to the schedule are considered to more accurately reflect the spatial extent of the highway network and is a minor amendment.

Possible alteration over private land

113. However, it is not entirely clear from the information provided with the requirement whether the updated maps will affect any land not within NZTA ownership. Although the area of designation extends over existing state highway infrastructure that is already formed and operational, where this is in private ownership, I consider that NZTA would need to consult with the affected landowner regarding the alteration, and potentially provide further information on consideration of alternatives.

Recommendation

114. I recommend, for the reasons given above, that the NZTA designations be confirmed, providing that land not owned by NZTA is either removed, or confirmation is provided that the landowner agrees to the alteration sitting over their property.
115. It is recommended that submissions are accepted or accepted in part as shown in **Appendix B** and the NZTA Designations chapter amended as shown in **Appendix A**.

6.9 PWN - PowerNet

Notice of Requirement

116. PowerNet has sought to roll-over the existing designations with minor modifications including updates to the identifier and corrections to maps. The designations are identified as PWN-1 PWN-2 PWN-3 PWN-4 and PWN-5.
117. Amendments were made to include PWN-4 Waikaka substation where the ODP schedule and maps had not been updated.
118. PowerNet have also required an alteration to PWN-4 Waikaka Substation to amend Condition 4 and delete Condition 5.
4. Where existing site noise already exceeds the levels in condition 3 above, then any new noise generating equipment (excluding any electricity equipment required for emergency backup power generation) must cumulatively in combination with any other noise generating equipment on the site not result in any increase in existing noise levels received at any other property boundary measured at or within the notional boundary of any residential building not on the same site and that is lawfully established on 18 April 2019.

‘Notional boundary’ in respect of a residential activity means a line 20 meters from the façade of the building or the legal boundary of the site on which the building is located where the boundary is closer to the building than 20 metres.

5. ~~Where existing site noise already exceeds the levels in condition 3, or where the installation of noise generating equipment results in an increase in noise from the site, an Outline Plan shall be submitted to the Gore District Council, together with a report from an appropriately qualified and experienced acoustics engineer confirming the existing noise levels and predicted new noise levels.~~

119. The altered conditions were included in the PDP chapter, and are shown in full in **Appendix A**.

Matters raised by submitters

120. PowerNet Limited (S95.026) (S95.026) support PWN-2 and PWN-3 but seeks that the legal description of the designation is included as it will assist with identifying the sites.
121. PowerNet (S95.026) support PWN-5 but seeks a minor correction to the spelling of Lmax in condition 4.

Assessment

122. The modifications sought to the rolled-over designations PWN-2, PWN-3, PWN-4, and PWN-5, in relation to the designation site identifier/physical and legal descriptions of the sites, and spelling, are considered to be minor amendments, and I agree with the submission. The corrections to the map shows the area of designation for the PWN-4 Waikaka substation where the ODP maps had not been updated is also appropriate and necessary to accurately reflect the area of the designations.
123. The designations are already in existence and therefore given effect to. There are not expected to be any additional, or changes to, the adverse effects on the environment from the designations.
124. Consideration of alternative sites, routes or methods is not necessary as the designations and associated infrastructure are already in existence and the designations are not changing in geographic extent.
125. I consider the designations are reasonably necessary in respect of providing certainty for the ongoing operation and maintenance of the infrastructure covered by the designations.
126. In relation to the changes to conditions sought to PWN-4, PowerNet have not provided any reasons why the change is required. However, I consider that noise effects are able to be managed by Conditions 3 and 4 in terms of noise levels. The condition sought to be deleted is in relation to the information required to be provided with an outline plan.
127. With respect to managing adverse effects resulting from the activities covered by the designation an outline plan process would include consideration of the effects of any future works proposed within the designations. I do not consider that any additional conditions are

necessary as the activities already exist and are adequately managed by the existing conditions and the Outline Plan of Works process.

Recommendation

128. I recommend, for the reasons given above, that the PowerNet Designations are confirmed with minor modifications the required alterations to conditions for PWN-4 as shown in **Appendix A**.
129. It is recommended that submissions are accepted as shown in **Appendix B**.

6.10 TPR - Transpower

Notice of Requirement

130. Transpower has sought to roll-over the existing designations with minor modifications including updates to the identifier, site identifier and purpose. The designations are identified as TPR-1 and TPR-2.
131. The purpose of the TPR-1 designation was modified to be Electricity substation and associated ancillary infrastructure.
132. Transpower have required an alteration to TPR-2 Gore Tee to delete the construction related conditions, Conditions 4, 5 and 8 as shown below, as the transmission line is now built.

~~4 Construction Noise~~

~~Construction Noise levels shall:~~

- ~~a) Comply with NZS 6803:1999 Acoustics — Construction Noise, for the construction phase.~~
- ~~b) Not exceed 75 dBA Lmax at or within the notional boundary of any other site.~~

~~5 Archaeological Discovery~~

~~If koiwi tangata (human skeletal remains), taonga or archaeological artefacts are discovered during any construction works on the site as required by the conditions of consent, the consent holder shall, without delay:~~

- ~~(i) Cease all work within a 50 metre radius of the discovery and secure the area.~~
- ~~(ii) Notify their nominated archaeologist, the consent authority, Te Ao Marama, the New Zealand Historic Places Trust, and in the case of koiwi tangata (skeletal remains) the New Zealand Police.~~
- ~~(iii) Enable a site inspection by the New Zealand Historic Places Trust and the appropriate runanga, and their advisors, who shall determine the nature of the discovery and the further action required, including whether an Archaeological Authority is required under the Historic Places Act 1993.~~
- ~~(iv) Any koiwi tangata or taonga shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal and preservation.~~
- ~~(v) Ensure that the further action identified in accordance in part (iii) of this condition is undertaken.~~

~~(vi) Upon completions of tasks (i) to (v) above, and provided all statutory permissions have been obtained, the consent holder may recommence site construction following consultation with the consent authority, Te Ao Marama, the New Zealand Places Trust, and in the case of koiwi tangata (skeletal remains) the New Zealand Police.~~

~~8 Construction and Maintenance Management Plan (CMMP)~~

~~Prior to commencement of any construction activity authorised by the designation, Transpower shall submit a Construction and Maintenance Management Plan to the Council for approval. As a guide, the Council shall respond within 20 working days. Approval shall not be unreasonably withheld. The Construction and Maintenance Management Plan shall outline Transpower's intended approach to matters including:~~

- ~~a) Sediment controls;~~
- ~~b) Management and disposal of spoil;~~
- ~~c) Stormwater management, treatment and disposal;~~
- ~~d) Silt and dust control, during earthwork stages;~~
- ~~e) Traffic management, site access details, and mitigation of effects on the existing roading network;~~
- ~~f) Temporary activities and equipment storage in specified areas;~~
- ~~g) Construction noise;~~
- ~~h) Hours of work.~~
- ~~i) Details of the consultation undertaken with adjoining landowners and other affected parties and details of any measures agreed with these parties to address adverse effects during construction and maintenance.~~
- ~~j) Community information and liaison measures during construction.~~

133. The altered conditions were included in the PDP chapter, and are shown in full in **Appendix A**.

Assessment

134. The modifications sought to the rolled-over designations in relation to the designation site identifier/physical and legal descriptions of the sites are considered to be minor amendments and are necessary to accurately reflect the location of the designation.

135. The clarification of the designated purpose for the Gore Substation is to align with Transpower's designations in other district plans and recognise that substations have ancillary buildings and equipment which, for all intents and purposes, are part of the overall substation operation.

136. The designations are already in existence and therefore given effect to. There are not expected to be any additional, or changes to, the adverse effects on the environment from the designations.

137. Consideration of alternative sites, routes or methods is not necessary as the designations and associated infrastructure are already in existence and the designations are not changing in geographic extent.

138. I consider the designations are reasonably necessary in respect of providing certainty for the ongoing operation and maintenance of the infrastructure covered by the designations.
139. In relation to the changes to conditions sought to TPR-2, the deletion of construction related conditions for the Gore Tee designation on the basis that these conditions related to the construction of the transmission line and, now that it is built, are no longer relevant or necessary.
140. With respect to managing adverse effects resulting from the activities covered by the designation an outline plan process would include consideration of the effects of any future works proposed within the designations. I do not consider that the additional conditions are necessary as the activities already exist and are adequately managed by the existing conditions and the Outline Plan of Works process.
141. No submissions were received in relation to Transpower designations.

Recommendation

142. I recommend, for the reasons given above, that the Transpower Designations are confirmed as shown in **Appendix A** with the required alterations to conditions for TPR-2.
143. It is recommended that submissions are accepted as shown in **Appendix B**.

7. Consequential and Minor Amendments

144. NZ Police provided notice to partially remove the MPOL-2 designation under S182 of the Act⁴ after providing notice under Clause 4 that the Designation be rolled over without modification. The amendments to reflect the removal are proposed to be made to the PDP maps under Clause 16 as an alteration of minor effect.
145. Amendments have been made to the 'Additional Information' in the designations table of the PDP where this information was in relation to the nature of the former designation in the ODP and the nature of modifications in the PDP as this is no longer relevant. The amendments to are proposed to be made to designations tables under Clause 16 as a consequential amendment.

⁴ Council Notice of Requirement identifier OTHR-23705

8. Conclusions and Closing Recommendation

8.1 Conclusions

146. This report has provided an assessment of notices of requirements and submissions received on the Designation Chapters and mapping of the PDP.

147. I have considered and made recommendations on the notices of requirement issued by requiring authorities. I consider that the notices of requirement in the Designations chapters should be confirmed or modified (with or without conditions imposed), as set out in my recommendations contained in this report.

148. I consider that the submissions on the Designations Chapters and associated mapping assessed in this report be accepted, accepted in part, rejected or rejected in part, as set out in my recommendations in this report including Appendix B.

149. Overall, I recommend that the designations are amended as shown in Appendix A for the reasons set out in this report. The main changes recommended include:

- To include conditions in relation to notable trees and building height to boundary controls consistent with the surrounding zone for new Minister of Education Designations.
- To include conditions for the new Gore District Council designations (GDC5 to GDC-12) in relation to noise levels to be consistent with the underlying zone, light spill and landscaping to soften the visual effect of their facilities within residential areas.
- For the New Zealand Transport Authority consult with affected landowners (if applicable) regarding the mapping updates to align the area of designation with the formed and operational road, where this is in private ownership.

8.2 Closing Recommendation

150. The Hearing Panel accept, accept in part, or reject all submissions (and associated further submissions) as outlined in **Appendix B** of this report and the Designations chapter of the PDP is amended in accordance with the changes outlined in **Appendix A** of this report.

Signed:

Name and Title	Signature	Date
Tina Carlson-McColl Consultant Planner		19 August 2024