

Gore Proposed District Plan

Hearing Stream 4 – Residential Zones & Gore West Residential Development Area

Section 42A of the Resource Management Act 1991

Section 42A Report – Residential Zones & Gore West Residential Development Area

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Interpretation

Table 1: 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
Permitted Activity	PA
Controlled Activity	CA
Restricted Discretionary Activity	RDA
Discretionary Activity	DA
Non-complying Activity	NCA

Table 2: Submitters and Further Submitters Names Abbreviations

Chorus New Zealand Limited	Chorus
Clark Fortune McDonald & Associates	CFMA
Contact Energy Limited	Contact Energy
Department of Conservation	DOC
Environment Southland	ES
Fire and Emergency New Zealand	FENZ
Groundswell New Zealand	Groundswell
Heritage New Zealand Pouhere Taonga	Heritage NZ
Hokonui Rūnanga Incorporated	Hokonui Rūnanga
Kāinga Ora – Homes and Communities	Kāinga Ora
KiwiRail Holdings Limited	KiwiRail
Mercury New Zealand Limited	Mercury
Ministry of Education	MOE
New Zealand Agricultural Aviation Association	NZAAA
New Zealand Defence Force	NZDF
New Zealand Heavy Haulage Association	NZ Heavy Haulage
New Zealand Helicopter Association	NZHA
New Zealand Transport Agency Waka Kotahi	NZTA
Rural Contractors NZ Incorporated	RCNZ
Royal Forest and Bird Protection Society of New Zealand inc	Forest & Bird
Southland District Council	SDC

Southland Federated Farmers of New Zealand	Federated Farmers
Spark New Zealand Trading Limited	Spark
Stoney Creek Station Limited	Stoney Creek
Transpower New Zealand Limited	Transpower
Woolworths New Zealand Limited	Woolworths

Table 3: List of Submitters and Further Submitters Numbers

S1	Howard Alchin
S4	Susan Coulman
S6	BL & KM Shields (Barry Shields)
S7	Damiyen Crosbie
S8	Anton Hoffman
S9	Laura-Lee Hoffman
S10	Courtney Horrell
S11	Jenna Potter
S14	Desmond Wilson
S15	Janice Wilson
S21	AdMore Designs Limited
S25	Peter Kempthorne
S40	Silver Fern Farms
S46	Margaret Katon
S47	David Katon
S48	Isobel Agnew
S52	Brett Highsted
S55	Brent Herbert
S56	Richard Agnew
S60	Ronald Crispin
S62	Roy Agnew
S68	John Baynes
S76	Nicky Highsted
S77	New Zealand Heavy Haulage Association
S85	Environment Southland
S92	Nadine Fletcher
S94	Phil Checketts
S98	Southland Developers Ltd.
S99	Clark Fortune McDonald & Associates
S100	Charlton Rise Limited
S101	Transpower New Zealand Limited
S102	Clara McLennan
S106	Mathew McLennan
S112	Waka Kotahi NZ Transport Agency
S115	Kevin Robertson
S121	Alliance Group Limited
S123	Heritage New Zealand Pouhere Taonga
S124	Fire and Emergency NZ
S125	Ministry of Education

S126	Southland Federated Farmers of New Zealand
S132	KiwiRail Holdings Ltd
S134	Andrea McMillan & Tony Harpur
S139	Hokonui Rūnanga Inc
S143	Rural Ratepayers Group
S146	Southland District Council
S148	Alistair & Bernadette Hunt
S149	Yrless
S152	Nigel Cowburn
FS5	Hamish Weir
FS14	NZ Transport Agency (Waka Kotahi NZ Transport Agency)
FS16	Fire and Emergency New Zealand
FS22	Clark Fortune McDonald & Associates
FS28	Kainga Ora
FS29	Silver Fern Farms Limited
FS30	Transpower New Zealand

1. Executive Summary

1. The Proposed District Plan (“PDP”) for Gore District was publicly notified on 31 August 2023. The PDP includes three residential zones to replace the current Residential A and Residential B zones in the Operative District Plan (ODP).
2. The three residential zones include the General Residential Zone (GRZ), Medium Density Residential Zone (MDZ), and the Large Lot Residential Zone (LLRZ) and are the subject of this section 42A report. The Gore West Residential Development Area (DEV2) is also discussed in this report. The residential zones are proposed to manage the larger urban and suburban areas within Gore and Mataura. These zones do not cover the smaller settlements such as Pukerau, Mandeville and Waikaka, which are zoned Settlement Zone and managed under the Settlement Zone Chapter. The Rural Zone Section 42a Report provides the assessment of the Settlement Zone Chapter.
3. There were 115 submissions and 54 further submissions received for the GRZ. The submissions largely cover matters relating to:
 - Requirements for servicing standards and firefighting provisions.
 - A 5m setback from the rail corridor.
 - Restricting development in all areas that are subject to natural hazards.
 - Permitting relocated buildings.
 - Clarification on provisions application to critical infrastructure.
 - Provision for educational facilities as a permitted activity.
 - Removal of Water Supply Treatment Facility Buffer Areas.
 - Requested amendments to setback exclusions.
4. There were 81 submissions and 31 further submissions received for the MDZ. The submissions largely cover matters relating to:
 - Requirements for servicing standards and firefighting provisions.
 - A 5m setback from the rail corridor.
 - Restricting development in all areas that are subject to natural hazards.
 - Permitting relocated buildings.
 - Enable educational facilities as a permitted activity.
 - Requested amendments to setback exclusions.

5. There were 59 submissions and 23 further submissions received for the LLRZ. The submissions largely cover matters relating to:
 - Requirements for servicing standards and firefighting provisions.
 - A 5m setback from the rail corridor.
 - Restricting development in all areas that are subject to natural hazards.
 - Permitting relocated buildings.
 - Enable educational facilities and Emergency Service Facilities as a permitted activity.
 - Re-zoning requests.
 - PREC12-Eversfield Precinct section size.
6. There were 43 submissions and 12 further submissions received for the Gore West Residential Development Area. The submissions largely cover matters relating to:
 - Ecological corridors and environmental protection.
 - Restricting development in all areas that are subject to natural hazards.
 - Stormwater management in the development.
 - Requirements for servicing standards and firefighting provisions.
 - Removing the National Grid area from the Outline Development Plan.
7. This 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. The report is intended to assist the Hearings Panel to make decisions 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.
8. As a result of submissions, a range of recommended changes have been made which are broadly summarised as follows:
 - Amendment to objectives and policies to recognise amenity in the residential zones.
 - Amendment to objectives and policies to recognise infrastructure may have a functional or operational need to locate in the residential zones.
 - An additional policy in the GRZ to manage onsite servicing.
 - Rezoning of land northwest of Waimea Street to General Residential.

- Water Supply Treatment Facility Buffer Area in East Gore and Mataura removed and corresponding rules GRZ-R14 and GRZ-R11 removed.
- A sliding density scale in the GRZ, enabling a density of development does not exceed one residential unit per 350m² as a restricted discretionary activity.
- Provision for one residential unit per site in the Eversfield Precinct even if the site is less than 8000m².
- The removal of the volume of water for potable supply in the servicing standard GRZ-S2 and LLRZ-S2.
- An increase in the length of carports and garages permitted within the setback from side and rear boundaries, from 6m to 8m.
- A new standard requiring setbacks from the rail corridor on a sliding scale, based on the height of a building.
- Provision for 'relocated' buildings to be included in rules as a permitted activity.

2. Introduction

2.1 Author and qualifications

9. My name is Joanne Skuse. I am employed as a Senior Planner at The Property Group. I am the author of this report.
10. I hold the qualifications of a Bachelor of Law (LLB) from the University of Exeter, United Kingdom. I am an associate member of the New Zealand Planning Institute (NZPI), which brings with it obligations for continued professional development.
11. 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.
12. I have seven years of resource consent management experience working in local government and private consultancy. Prior to joining The Property Group, I was a Resource Consents Planner at Queenstown Lakes District Council.
13. My experience includes the preparation and processing of applications for resource consents as well as the preparation of submissions to District Plans across Aotearoa.

2.2 Code of Conduct

14. 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.

15. 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

16. This report considers the submissions and further submissions that were received by the Council in relation to the Residential Chapters and Gore West Residential Development Area of the PDP. In addition, the provisions in the following chapters relating to the management of the Residential Zones and mapping are also addressed:
 - Part 1: Interpretation – Definitions
 - Planning maps and overlays
 - Appendix 2 – Recession Plane Angles
 - Subdivision Chapter
17. The assessment of submissions will generally follow this format:
 - Submission information
 - Analysis of submissions
 - Recommendation and any amendments
 - Where an amendment is recommended a section 32AA assessment is provided.
18. Recommendations are made to either retain provisions without amendment, delete, add to or amend. The amended provisions are shown by way of ~~strikeout~~ and underlining in red. **Appendix A** of this report contains a copy of the Residential chapters and the Development Area Chapter with recommended amendments shown by way of ~~strikeout~~ and underlining in red.
19. 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. Where this has been relied upon for minor correction it is noted in the body of this report.

4. Statutory considerations and planning framework

4.1 Resource Management Act 1991

20. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:
 - Section 74 – Matters to be considered by territorial authorities; and

- Section 75 – Content of District Plans.
21. As set out in the Section 32 Evaluation Report for the residential zones, 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 a comprehensive assessment of all relevant consultation and statutory considerations prior to public notification of the PDP are outlined in that Section 32 Report. The Section 42A Report: Introduction, General Provisions and Strategic Direction also provides an overview of the relevant Statutory considerations, higher order planning documents and other relevant plans and policies.
 22. It is not considered necessary to repeat the detail of the relevant RMA sections and higher order documents in this report as these are covered within the relevant Section 32 Evaluation Report. However, where a 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 National Planning Instruments and other Relevant Plans and Policies

National Policy Statement on Urban Development 2020 (NPS-UD)

23. The NPS-UD aims to support well-functioning urban environments to provide for current and future community well-being. It requires RMA plans to provide opportunities for land development to meet housing and business needs, supported by adequate development capacity. The NPS-UD seeks to enable more living, business and community services within or near centre zones and enable an urban form with greater heights and densities near public transport hubs and areas of high demand. Gore and Mataura are deemed to be a Tier 3 urban environment under the classifications in the NPS-UD.
24. As the NPS-UD requires adequate provision for residential and business growth, urban built form may significantly change over time in order to achieve this. Such change may detract from amenity values. The NPS-UD acknowledges that urban environments and amenity values will change and considers this is not an adverse effect.
25. Objective 1 of the NPS-UD seeks that well-functioning urban environments are provided for the needs of people and communities both now and into the future.
26. Objective 4 directs that urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.
27. Objective 8 seeks that urban environments support a reduction in greenhouse gas emission and are resilient to the current and future effects of climate change.
28. The policies which give effect to these objectives provide further direction on providing well-functioning urban environments which enable a variety of homes to meet the needs of different households and enable Māori to express their cultural traditions and norms whilst ensuring accessibility to jobs, community services, natural and open spaces and public or active transport

systems (Policy 1). Sufficient development capacity should be provided over the short, medium and long term to meet expected demand for housing and business land (Policy 2).

29. Policy 6 directs decision makers to recognise the benefits of well-functioning urban environments. It acknowledges that development may involve significant changes to an area. Such change could detract from the amenity value some people appreciate but also could improve amenity values appreciated by other people, communities and future generations, through the provision of increased and varied housing densities and types.
30. The policies also provide direction to take account of the Treaty of Waitangi in relation to urban environments by involving iwi and hapū in the preparation of planning documents and taking account of their aspirations and values.
31. The proposed residential zone locations provide for well-functioning urban environments. They maintain a compact urban form and the level of growth provided is anticipated to meet demand for the next 20 years with a competitive margin factored in. The PDP provisions will provide for built form which is consistent with the purpose and function of the zone and maintains an appropriate level of amenity considering the nature of activities anticipated.

National Policy Statement on Highly Productive Land (NPS-HPL)

32. The National Policy Statement on Highly Productive Land (NPS-HPL) became operative on 17 October 2022. The NPS-HPL seeks to ensure that the most favourable soils for food and fibre production are protected now and for future generations. Environment Southland is required to map highly productive land within the Gore District that meets the following criteria¹:
 - i. Is in a general rural zone or rural production zone; and
 - ii. Is predominantly LUC 1, 2, or 3 land; and
 - iii. Forms a large and geographically cohesive area.
33. The NPS-HPL is applicable to the proposed Large Lot Residential zoned areas and the Gore West Residential Development Area. Under the ODP these areas are zoned Rural and contain highly productive soils. In Gore West and Mataura the proposed new residential zones contain LUC Class 3 soils. In Gore North the proposed new residential zone contains LUC Class 2 soils.
34. The proposed Large Lot and General Residential zoned land in Gore West and Mataura East has been identified for future urban development in the Gore 'Ready for Tomorrow' Spatial Plan. Therefore, pursuant to 3.5(7)(b), the NPS-HPL does not apply to this land.
35. The land proposed for re-zoning in Gore North does not form a large and geographically cohesive area and therefore is not likely to be mapped by the regional council as highly productive.
36. Without providing additional land to accommodate growth there will be adverse effects on the economic, social, and cultural well-being of the community as residents and potential residents

¹ NPS-HPL Section 3.4(1)

will look to base themselves outside of the district to the detriment of the existing community and economy.

National Policy Statement on Electricity Transmission 2008 (NPSET)

37. The national significance of the National Grid is recognised, in an RMA context, by the NPSET and the NESETA (detailed below). These documents apply only to the National Grid, and do not apply to local electricity distribution networks, nor lines owned and operated by electricity generators.

38. The single Objective of the NPSET is:

“To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- managing the adverse environmental effects of the network; and*
- managing the adverse effects of other activities on the network.”*

39. The NPSET’s Objective is implemented by fourteen policies. Sections 55 and 75(3) of the RMA require the Council to give effect to the objectives and policies of the NPSET in the District Plan.

40. Policy 10 and Policy 11 are noted by one submitter Transpower (S101) and are as follows:

Policy 10: In achieving the purpose of the Act, decision-makers must, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.

Policy 11: Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).

Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA)

41. The NESETA came into effect on 14 January 2010 and sets out a national regulatory framework for activities related to existing National Grid lines, including the operation, maintenance and upgrading of such lines. The NESETA specifies permitted electricity transmission activities (subject to standards) and sets out resource consent requirements where these activities do not meet the standards. The NESETA only applies to the Transpower’s National Grid lines that existed on 14 January 2010 and does not apply to new transmission lines or new or existing substations.

4.3 Section 32AA evaluation

42. Any recommended amendments to provisions since the initial Section 32 evaluation was undertaken are evaluated in accordance with section 32AA. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) further evaluation required under this Act-

- (a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
- (b) must be undertaken in accordance with section 32(1) to (4); and*
- (c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*
- (d) must—*
 - (i) published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*
 - (ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

(2) To avoid doubt an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

(3) In this section, proposal means a proposed statement, national planning standard, plan, or change for which a further evaluation must be undertaken under this Act.

43. The required Section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to the topics of this report is contained within the assessment of the relief sought in submissions in section 3, as required by s32AA(1)(d)(ii).
44. The Section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.

5. Background

45. 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.
46. The Section 32 Evaluation Report² for Residential Chapters is relevant to this Section 42a Report. The Section 32 Evaluation Report assesses and considers the relevant higher order planning

² [Section 32 Reports | Let's Talk Gore District \(goredc.govt.nz\)](https://www.goredc.govt.nz/section-32-reports/)

documents and any strategic plans which provide direction and guidance for the preparation and content of these chapters. Where relevant these documents are considered in more detail in the assessment of submission points.

47. As detailed in the Section 32 report, the Residential Zones give effect to effect to the National Planning Standards and relevant higher order documents such as the NPS-UD
48. The provisions and zoning locations of the three Residential Zones also give effect to the relevant Urban Form and Development Objectives, in particular UFD-O1, UFD-O2, UFD-O3 and UFD-O7.

5.1 Technical Reports

Gore District Plan Review – Economic and Population Growth Analysis October 2021 (Attachment 1)

49. The Gore District Plan Review and Population Growth Analysis report reviews the Ready for Tomorrow – Gore District Spatial Plan as well as market research. The report provides an analysis of the contribution the Gore district makes to Southland’s regional economy with a breakdown on areas of employment, and the agricultural, manufacturing and retail & hospitality sectors as the primary economic contributors.
50. The document outlines the population of the district and provides an assessment of the future demand for various housing types, by utilising census data, available industry information and Statistics NZ growth projections.
51. Based on the review of population projections and taking into consideration Council’s vision for the future it is estimated that there will be a requirement for between 650 and 860 new dwellings for 1,300 additional permanent residents in Gore over the next 20 years (to 2038). Further, there needs to be a focus on affordable and smaller housing typologies as well as worker accommodation.
52. The report recommends that planning for these homes will need to take the following into consideration:
 - A focus on housing in the main centres, Gore and Mataura
 - Introduction of more medium density and smaller housing typologies
 - Both affordable and quality accommodation for workers to support new industries to locate within Gore

Gore District Plan Review Planning for Growth June 2022 (Attachment 2)

53. This report follows on from the Gore District Plan Review and Population Growth Analysis summarised above. This report provides additional analysis to further assess how the Gore District Plan provisions can be drafted to ensure the district’s growth needs are met and industry continues to be attracted to the district.

54. The report provides recommendations of areas to be considered for growth under the general residential and large lot residential zone provisions and further an assessment of the proposed medium density zone provisions.

Urban design advice to support section 42a report for Gore District Plan residential zones July 2024 (Attachment 3)

55. An urban design memo³ has been provided by Fiona Whyte, a Senior Urban Designer at The Property Group.
56. The memo reviews submissions that relate to provision of setbacks to side and rear boundaries and the listed exemptions and the height in relation to boundary requirements outlined in Appendix 2 of the PDP.

6. Consideration of submissions

6.1 Structure of the report

57. Submissions on the Residential Zones have raised a number of issues which have been grouped as follows:
- Submissions in support of provisions
 - Definitions
 - Common submissions across the Residential Zones
 - Mapping and Zoning requests across the Residential Zones
 - Submissions specific to General Residential Zone
 - Provisions
 - Submissions specific to Medium Density Residential Zone
 - Provisions
 - Submissions specific to Large Lot Residential Zone
 - Provisions
 - Submissions specific to the Gore West Residential Development Area
 - Provisions

³ Email Memorandum - Urban Design Advice

58. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission by submission approach. I have organised the evaluation in accordance with the layout of chapters of the PDP as notified or grouped by Issue where the submission crosses multiple provisions but has a similar intent and relief sought. I have considered substantive commentary on primary submissions and further submissions as part of my consideration.
59. Due to the number of submission points, this evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA. Specific recommendations on each submission / further submission point are contained in **Appendix B**.
60. The following evaluation 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 evaluation of the relief sought in a submission(s), the evaluation 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**.
61. This report only addresses definitions and submissions on mapping specifically relevant to this topic. Definitions that relate to more than one topic and general mapping submissions have been addressed in the Section 42A Introduction, General Provisions and Strategic Direction Report.

6.2 Overview of submissions

62. The submission period ran from 31 August to 26 October 2023 and was then extended to 27 November 2023 by Council resolution. Council received 130 submissions containing 5542 submission points.
63. Some submissions were received after the 27 November 2023 5:00pm deadline, however these submissions were accepted and are not considered late as they were received up until midnight 27 November 2023.
64. A total of 298 submissions and 120 further submissions are addressed in this report. A list of submitters on the Residential Chapters is provided at the start of the report.
65. Definitions are addressed at Section 6.5 of this report. A number of submissions had common themes across all three residential zones and are addressed in section 6.6 of this report. Mapping and zoning requests are addressed at section 6.7 of this report. Specific submissions are included in Section 6.8 for General Residential Zone, Section 6.9 for the Medium Density Residential Zone, Section 6.10 for the Large Lot Residential Zone and Section 6.11 for the Gore West Residential Development Area.

6.3 Format for consideration of submissions

66. For each identified topic, I have considered the submissions that are seeking changes to the PDP in the following format:
- Matters raised by submitters;
 - Assessment;
 - Summary of recommendations; and
 - Section 32AA assessment.
67. 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.

6.4 Submissions in support

6.4.1 Matters raised by submitters

68. The following provisions are supported by submitters and no amendments are proposed.
69. The GRZ-Overview and Purpose and GRZ-P4 are supported by Charlton Rise Limited (s100.008, s100.010) in relation to the Gore West Development Area and comprehensive residential development in appropriate areas and with appropriate design.
70. GRZ-P5 is supported by the Ministry of Education (s125.044) as it enables the establishment and operation of education facilities to support the needs of the local community.
71. GRZ-P6 is supported by the Ministry of Education (s25.045) as it enables the establishment and operation of education facilities to support the needs of the local community; and FENZ (s124.054) as it relates to emergency service facilities.
72. Southland Federated Farmers of New Zealand (s126.031), Kevin Robertson (s115.032), Ronald Crispin (s60.034), Rural Ratepayers Group (s143.043), Alistair & Bernadette Hunt (s148.044), John Baynes (s68.152) support the definition of “Minor residential unit” and seek it is retained.
73. Silver Fern Farms (s40.010) and Alliance Group Limited (s121.013) support the definition of “Residential Activity” as it aligns with the National Planning Standards.
74. Ministry of Education (s125.001) support the definition of “Education facility” as it aligns with the National Planning Standards.
75. FENZ (s124.071, s124.051) support GRZ-S6 and LLRZ-S6 in relation to the road setback provision.
76. Southland District Council (s146.077) support GRZ-S7 and the matters of discretion and notes that it should reduce impacts downstream.
77. Heritage New Zealand Pouhere Taonga (s123.024) support the Historic Dairy Factory Precinct 9.

78. NZTA (s112.138) and Charlton Rise Limited (s100.012) support MRZ-O3.
79. FENZ (s124.073) and KiwiRail (s132.121) support MRZ-P5 as it provides that development has appropriate infrastructure and adverse effects on infrastructure networks are minimized.
80. SDC (s146.080) supports MRZ-S6 and the matters of discretion and notes that it should reduce impacts downstream.
81. FENZ (s124.098) support MRZ-S7 and the 50% building coverage per site as this is considered appropriate for emergency service facilities and would enable Fire and Emergency to operate effectively should any sites be developed with the MRZ in future.
82. Brett Highsted (s52.001, s52.002, s52.004) supports LLRZ-PREC12-O1, LLRZ-PREC12-P1 and LLRZ-PREC12-R1 as the provisions reflect the need for rural activities to control grass & the rural nature of the built environment. Permitted agricultural, horticultural & pastoral activities are appropriate.
83. Howard Alchin (s1.001) supports that minor residential units be a permitted activity in the District Plan as this will enable families to support loved ones better without extra red tape and also helps provide affordable accommodation in a housing crisis.
84. NZTA (s112.141) supports MRZ-PREC7-P1 as it seeks to accommodate development within the hospital precinct that provides opportunities for transport choice, including integration with public and community transport where possible.
85. FENZ (s124.092) support MRZ-PREC7-R2 and the provision of community facilities such as fire stations.

Assessment

86. Support for the provisions above are acknowledged and are accepted.

Recommendation

87. No amendments are recommended.
88. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.5 General Submissions – Definitions

6.5.1 Matters raised by submitters – Interpretation – Homestay and Visitor Accommodation

89. SDC (s146.005, s146.006) seek the Homestay definition is improved as the current wording of the definition is a narrower application of the Visitor Accommodation definition and may cause conflict between the two.

Assessment

90. A homestay activity is a type of visitor accommodation as it sits under the Visitor Accommodation activity in the nesting tables.
91. The two activities are different in that visitor accommodation enables an entire house to be let on 'Book a Bach' for example, whereas a homestay requires there to be someone living on site, and so captures Bed and Breakfasts and Farmstays. This is outlined in the definitions as follows:

Visitor Accommodation: means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities.

Homestay: means the use of a residential unit including a minor residential unit by paying guests at the same time that either the residential unit or minor residential unit is occupied by residents for use as a residential activity. Includes bed & breakfasts.

92. Activities in the nesting tables are listed with the more general activity above and the more specific below. For example, under commercial activities, retail activities is the more specific activity. There may also be additional subcategories under the specific activities that are not listed, for example "yard based retail activity" is a subcategory of "retail activity" and is not listed. Where an activity table for an overlay, zone, district-wide or precinct lists a general activity, that general activity includes all of the specific activities listed below unless otherwise specified.
93. This approach helps make it clear that subordinate, specific activities may be enabled in a zone where the more general, wider activities are not.
94. I do not consider it is necessary to amend the definitions as Homestay is a more specific type of visitor accommodation. The rules within the chapters are sufficiently clear when read in conjunction with the definitions.

Recommendation

95. No amendments are recommended.
96. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.5.2 Matters raised by submitters – Interpretation – Relocation

97. NZ Heavy Haulage Association (s77.001) highlight there is no definition for relocation of buildings which are not heritage items. The submitter seeks amendments to the definition to recognise relocated buildings which are not heritage items. The submitter seeks the following addition to the definition:

Relocation In relation to any heritage item means to physically shift the location of a building either within the site or to another property. Relocation includes permanently raising a building or structure above existing ground level but does not include the temporary raising of a building to replace foundations. In relation to other buildings which are not heritage items means the

removal, relocation or re-siting of an existing building from any site to another site, excluding the movement of a building within the same title or a new building built off-site that has not been used and is for the express purpose of being located to the subject site.

Assessment

98. I have reviewed the notified Interpretation Chapter and confirm the definition as notified includes the text requested by the submitter. Therefore, I recommend the submission is accepted on the basis the relief sought is achieved.

Recommendation

99. No amendments are recommended.
100. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.5.3 Matters raised by submitters – Interpretation – Structure

101. FENZ (s124.009) support the definition in part. The submitter seeks communication towers and poles associated with emergency service facilities are exempt from the definition of 'structure'. Many fire stations include a multipurpose tower or pole between 12-15m in height which may breach the height limit standards.

Assessment

102. The definition of structure has the same meaning as in section 2 of the RMA and aligns with the National Planning Standards. As such it cannot be changed to exempt communication towers and poles associated with emergency service facilities.

Recommendation

103. No amendments are recommended.
104. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.6 Common Submissions for the GRZ, MRZ and LLRZ

6.6.1 Matters raised by submitters – Note 1

105. Transpower New Zealand Limited (s101.081 and s101.078) consider Note 1 is not sufficiently clear in terms of the rules that might apply to critical infrastructure generally, and the National Grid. It could be interpreted to mean the General Residential Chapters rules apply to infrastructure in addition to the Infrastructure Chapter. The submitter seeks the Note is amended to clearly exempt critical infrastructure and activities involving the National Grid.
106. Note 1 is as follows:

Rules in Other Chapters:

The provisions in this chapter apply in addition to the provisions of the other chapters in the District Plan and the plan should be read as a whole. This chapter also implements other chapters in the District Plan that do not have specific rules such as Sites and Areas of Significance to Māori and Mana Whenua.

Assessment

107. The Infrastructure Chapter will be heard in Hearing Stream 7 and the specific provisions debated at such a time. As such, I recommend the submission point is rejected, but note that there may be consequential amendments to the Residential Zone chapters following the Infrastructure Hearing Stream 7.

Recommendation

108. No amendments are recommended.
109. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.6.2 Matters raised by submitters – General – Number of Residential Zones

110. Yrless (s149.030) oppose the inclusion of three residential zones stating it is too complex and has limited utility. The submitter seeks one residential zone.

Assessment

111. In relation to the Yrless submission (s149.03) the proposed Residential Zones are proposed to provide housing choice across the district. They enable greenfield development of larger lots and consolidation of existing urban areas, close to amenities, with the introduction of the Medium Density Residential Zone. The only difference between the existing ODP zones, Residential A and B, is that the Residential B zone enables a slightly higher density of one residential unit per 300m² (net site area).⁴ The two zones lacked differentiating characteristics and specific objectives and policies outlining the aspirations for each zone. This is outlined in the Effectiveness of Operative Plan section of the Residential Zone Section 32 report⁵.
112. The proposed zones align with the National Planning Standards and provide a clear differentiation between the different zones in terms of character, built form and amenity. The

⁴ The Residential A zone enables a density of one residential unit per 400m² net site area.

⁵ Gore PDP Section 32 Report – Residential Zones - [Section 32 Reports | Let's Talk Gore District \(goredc.govt.nz\)](#)

Section 32 report provides further analysis of the PDP approach⁶ as well as a cost benefit analysis of providing for three zones as opposed to the ODP approach, or any other two zone approach.⁷

113. For the above reasons I consider that a single residential zone would not allow for residential growth, housing choice and clarity around expectations of character and amenity. I therefore do not agree with the Yrless submission.

Recommendation

114. No amendments are recommended.
115. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.6.3 Matters raised by submitters – General – Management of Residential Land

116. SDC submission points (s146.076, s146.078) seek the review of zoning classification to minimise issues adapting to climate change and flood risk.
117. Hamish Weir opposes submission s146.076 through FS5.144. CFMA opposes S146.078 through FS22.072.
118. SDC (s146.071) highlight issues with conflict between maintaining the HPL and providing housing for people. The LLRZ is both expansive in area and expensive for councils to keep and may not be suited to taking up highly productive land, or, as found on the edge of Gore District, may be best suited for GRZ use, mainly as it is located on high ground next to the town.
119. Susan Coulman, through submission s4.001, has submitted in relation to the entire plan, however the points are addressed within this Residential section 42A hearings report. The relief requested is to allow for more than one dwelling on a property where there is servicing infrastructure. Allow for caravans and motorhomes without self-containment certification, and to reduce the amount of space required to subdivide properties. This is to enable smaller footprint dwellings to cater to multigenerational needs and more compact living.
120. Heritage New Zealand through submission s123.029 has submitted in relation to the entire plan, however the points are best addressed within this Residential section 42A hearing report. The relief requested is to introduce measures that require bulk and location mitigation for development adjoining heritage items or areas.
121. Kāinga Ora have provided a further submission (FS28.001) in opposition to s123.029 above, recognising the need to protect heritage items, however, considers the protection of non-

⁶ Gore PDP Section 32 Report – Residential Zones - [Section 32 Reports | Let's Talk Gore District \(goredc.govt.nz\)](#)
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⁷ Gore PDP Section 32 Report – Residential Zones - [Section 32 Reports | Let's Talk Gore District \(goredc.govt.nz\)](#)
Pages 62-75

scheduled section 6 matters is overly restrictive and the proposed heritage provisions are adequate protection.

Assessment

122. The submission from SDC regarding the proposed residential zoning and relief sought seeking to minimise issues relating to flood risk and climate change is acknowledged. However, as outlined within previous hearing streams and throughout this report, the proposed zoning seeks to ground truth existing development patterns within Gore. Natural hazard management is best located within the Natural Hazards Chapter in order to align with the National Planning Standards.
123. Support from SDC for the LLRZ zone is acknowledged, however it is unclear from the submission (specifically s146.071) what relief the submitter is requesting, in regard to comments regarding the conflict between HPL and housing, expense of servicing or whether they are requesting areas are rezoned to GRZ. Proposed zoning has been carefully selected, considering the needs of the community and development constraints. As discussed previously, in relation to the NPS-HPL, the proposed zoning aligns with the higher order document as either land was identified in the spatial plan, or does not form a large, geographically cohesive area, due to subdivision sprawl over the years. The proposed lot size for the LLRZ enables onsite servicing. On-site treatment systems are continually being improved to provide cost effective and practical wastewater disposal options for smaller sites. I recommend no changes to the PDP based on these submissions.
124. The submission from Susan Coulman is considered to be largely met in intent through the PDP provisions. The variety in the proposed residential zones aim to provide for different lots sizes across the district and number of dwellings per lot. For example, the MDR enables units at a density of one per 150m² to encourage smaller dwelling types which are close to amenities. Similarly, minor residential units are permitted in the residential zones to allow the community to have a potential income as a small rental, or provide for extended family who may need to relocate. Whilst increased densities have been enabled, careful consideration is required to balance the need for increase housing opportunities and the impacts those opportunities can have on the amenity, character, safety and wellbeing of a community, alongside more physical environmental constraints such as Natural Hazards. Overall, I consider the PDP will enable the relief sought by Susan Coulman. I recommend no changes to the PDP based on these submissions.
125. Heritage NZ's submission requesting that offsite constraints are applied to mitigate impacts on heritage items and areas is acknowledged. However additional rules relating to sites adjoining heritage buildings and areas are not considered best practice and may result in disproportionate restrictions on neighbouring properties. It is considered that, in line with the National Planning Standards, the Heritage Chapter is a more appropriate tool for heritage protection. I recommend no changes to the PDP based on these submissions.

Recommendation

126. I recommend no changes to the PDP based on these submissions.

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

6.6.4 Matters raised by submitters – Environment Southland Submissions on Natural Hazards

Mapping Extents

128. ES (s85.050- MRZ) (s85.048- LLRZ) (S85.049 – GRZ) have supported in part the MRZ, LLRZ and GRZ mapping, however, want to prevent any zone changes which have the potential to intensify development or land use in flood prone or hazard areas.

Additional Policies

129. ES (s85.312- MRZ) (s85.134- GRZ) (s85.119-LLRZ) requests a new policy within the MRZ, LLRZ and GRZ to take a precautionary approach to development in areas prone to natural hazard risk. They consider that no objectives or policies in this zone recognise natural hazards risk (including secondary flow paths). More emphasis is needed to ensure infill and brownfield development properly considers risk.
130. Hamish Weir (FS5.154-GRZ, FS5.143- LLRZ) opposes the above ES submissions. Kainga Ora (FS28.064 GRZ, FS28.071 MDZ, FS28.069) also oppose the above submissions as they consider that the Natural Hazard chapter, subject to its further submission, is an appropriate mechanism for managing natural hazards

Restricting Development and Activities in Natural Hazard Areas

131. ES (s85) oppose in part all rules in the GRZ, MDZ and LLRZ permitting new buildings or activities in natural hazard areas. The submitter seeks an amendment to include a clause that if the activity is located in any 'identified natural hazard area' then a resource consent is required. Consideration should also be given to secondary flow paths which are also a natural hazard. See Table 1 below outlining the submissions on this point.
132. CFMA (FS22) oppose ES submissions as shown below in Table 1. They state that the requested relief is not practical as most of the established Gore and Mataura urban areas are subject to some level of natural hazard and that consents should not be required for buildings or activities where risks from natural hazards are not significant. Secondary flow paths are already required to be taken into account by the Subdivision and Land Development Bylaw.
133. Hamish Weir (FS5) opposes ES submissions as shown below in Table 1.
134. Kainga Ora (FS28) opposes ES submissions as shown below in Table 1. The submitter recognises that in some cases there is a need for managing subdivision use and development within Natural Hazard areas, however provisions should enable development where it is appropriate.
135. ES (s85.128, s85.129, s85.130, s85.131, s85.132, s85.127) support in part GRZ- R9, GRZ-R10, GRZ-R11, GRZ-R12, GRZ- R13, GRZ-R14 but seek that natural hazard risk be included in the matters of discretion.

136. Kainga Ora (FS28.061) support the above submission on GRZ-R11 as they agree that effects of natural hazards or mitigation measures in response to natural hazards are an appropriate matter of discretion.
137. CFMA (FS22.106, FS22.107, FS22.108, FS22.109, FS22.110, FS22.105) oppose the above submissions, considering them to not be practical. Most of the established Gore and Mātaura urban areas are subject to some level of natural hazard, which is not necessarily significant. Consents should not be required for buildings or activities where risks from natural hazards are not significant. Secondary flow paths are already required to be taken into account by the Subdivision and Land Development bylaw

Table 1- ES Submission on Hazards		
GRZ Rules ES submitted against	ES Submission number	Submission numbers opposing ES submission on GRZ
GRZ-R1	s85.120	<u>Kainga Ora (FS28)</u>
GRZ-R2	s85.122	FS28.056, FS28.057, FS28.058, FS28.059, FS28.060
GRZ-R3	s85.123	<u>CFMA (FS22)</u>
GRZ-R4	s85.124	FS22.074, FS22.100, FS22.101, FS22.102,
GRZ-R5	s85.125	FS22.103, FS22.104, FS22.111
GRZ-R6	s85.126	<u>Hamish Weir (FS5)</u>
GRZ-S7	s85.133	FS5.145, FS5.146, FS5.147, FS5.148, FS5.152
MRZ Rules ES submitted against	ES Submission number	Submission numbers opposing ES submission on MRZ
MRZ-PREC7-R1	s85.147	<u>CFMA (FS22)</u>
MRZ-PREC7-R2	s85.148	FS22.132, FS22.133, FS22.134, FS22.135,
MRZ-PREC9-R1	s85.149	FS22.120, FS22.127, FS22.128, FS22.130 FS22.129,
MRZ-PREC9-R2	s85.150	FS22.131, FS22.121, FS22.122,
MRZ-R1	s85.135	FS22.123, FS22.124, FS22.125, FS22.126, FS22.136
MRZ-R2	s85.142	<u>Hamish Weir (FS5)</u>
MRZ-R3	s85.143	FS5.155
MRZ-R4	s85.144	FS5.156
MRZ-R5	s85.145	FS5.157
MRZ- R6	s85.146	<u>Kainga Ora (FS28)</u>
MRZ-R8	s85.136	FS28.065
MRZ-R10	s85.137	FS28.066
MRZ-R11	s85.138	FS28.067
MRZ-R12	s85.139	FS28.068
MRZ-R13	s85.140	
MRZ-R14	s85.141	
MRZ-S7	s85.151	
LLRZ Rules ES submitted against	ES Submission number	Submission numbers opposing ES submission on LLRZ
LLRZ-R1	s85.111	<u>CFMA (FS22)</u>
LLRZ-R2	s85.112	

LLRZ- R3	s85.113	FS22.112, FS22.113, FS22.114, FS22.115,
LLRZ- R4	s85.114	FS22.116, FS22.117, FS22.118, FS22.119,
LLRZ- R5	s85.115	<u>Hamish Weir (FS5)</u>
LLRZ- R6	s85.116	FS5.134, FS5.135, FS5.136, FS5.137, FS5.138,
LLRZ- S1	s85.117	FS5.140, FS5.142
LLRZ-S7	s85.118	

Assessment

138. In response to the ES submissions to include additional policies in the zone chapters, I do not consider additional policies in the Residential Zones relating to natural hazard risks are necessary. The Natural Hazard Chapter contains objectives and policies which provide outcomes and direction for managing natural hazard risks. Furthermore, and in response to the submission from SDC, the Natural Hazard Chapter rule framework provides for new buildings and/or activities in areas subject to flood inundation.
139. In my opinion it is unnecessary to repeat the requirements of the Natural Hazard Chapter within the Residential Zones Chapters as this is inconsistent with the manner in which the National Planning Standard directs Plans to be presented and drafted. I note that the Zone provisions should be considered in conjunction with all other chapters of the PDP which would include the Natural Hazard Chapter and there is a note to that effect within the Zone Chapters (Note 1). As such I disagree with adding a matter of discretion in relation to GRZ- R9, GRZ-R10, GRZ-R11, GRZ-R12 and GRZ- R13. If development is proposed in a natural hazard area the Natural Hazards Chapter will be applicable and the relevant objectives, policies, rules and standards within the chapter will apply.
140. I consider it more appropriate that the outcomes sought by ES and SDC are managed through the Natural Hazard Chapter and can be dealt with through that future hearing stream.
141. In response to the ES submission to include a performance standard for new buildings or activities regarding minimum floor levels, I consider that this matter is appropriately addressed within the Natural Hazard Chapter. The Natural Hazard Chapter includes a rule (NH-R2) applying to any buildings used for sensitive activities.
142. In response to the ES submissions that land use zone change and development intensification within flood inundation areas should be avoided by retaining the ODP zoning, the intent of the submission is acknowledged. I appreciate that ES seek to manage any significant risk to communities from natural hazards consistent with Section 6 of the RMA. However, it should be noted that the proposed Residential Zones are predominately in areas already covered by urban zoning under the ODP. The zoning also reflects the existing pattern of development and therefore does not necessarily allow for land use change. There are some exceptions including the Gore West Development Area and additional Large Lot zoning in west Gore and Mataura, however these areas are largely outside of the mapped flood hazard area as shown below in Figure 1, Figure 2 and Figure 3.



Figure 1: Matura East- LLRZ shown in highlight, Actual or Potential Inundation shown in dark blue to west

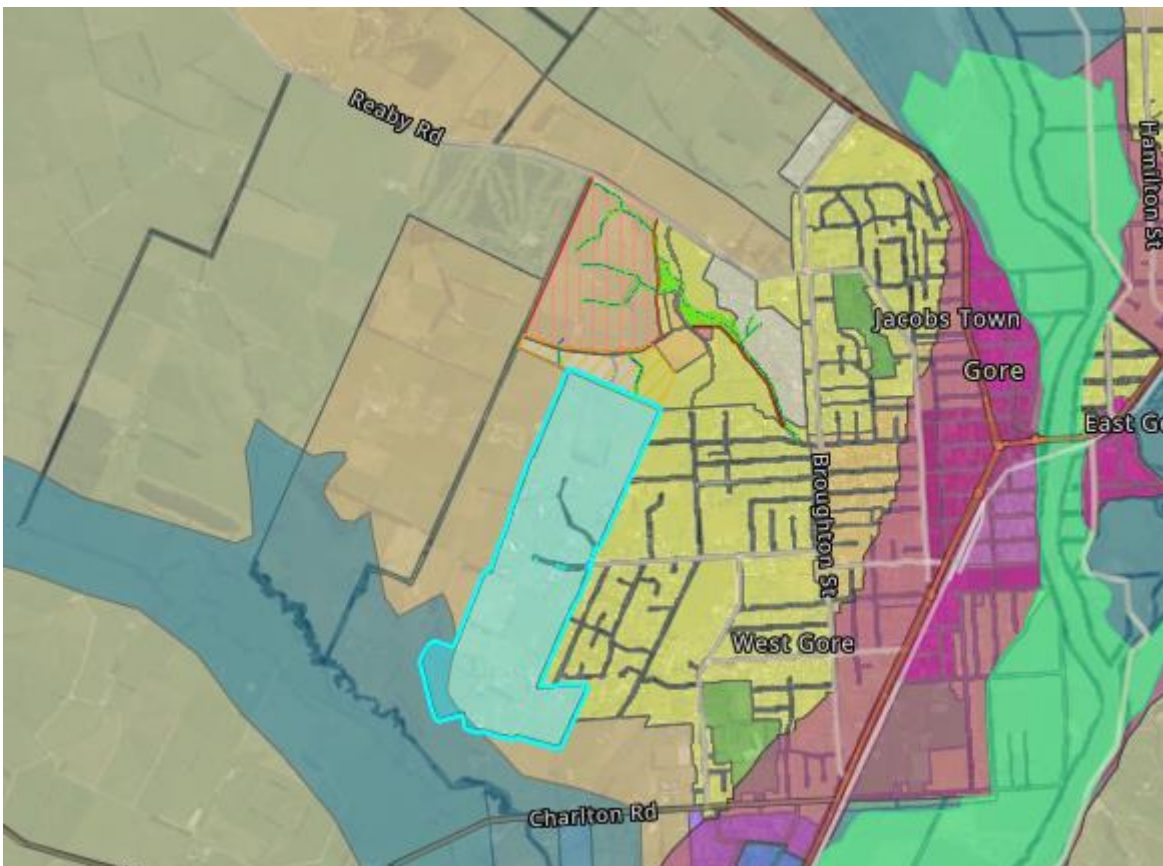


Figure 2: West Gore- LLRZ shown in highlight, Actual or potential inundation shown in dark blue to south.

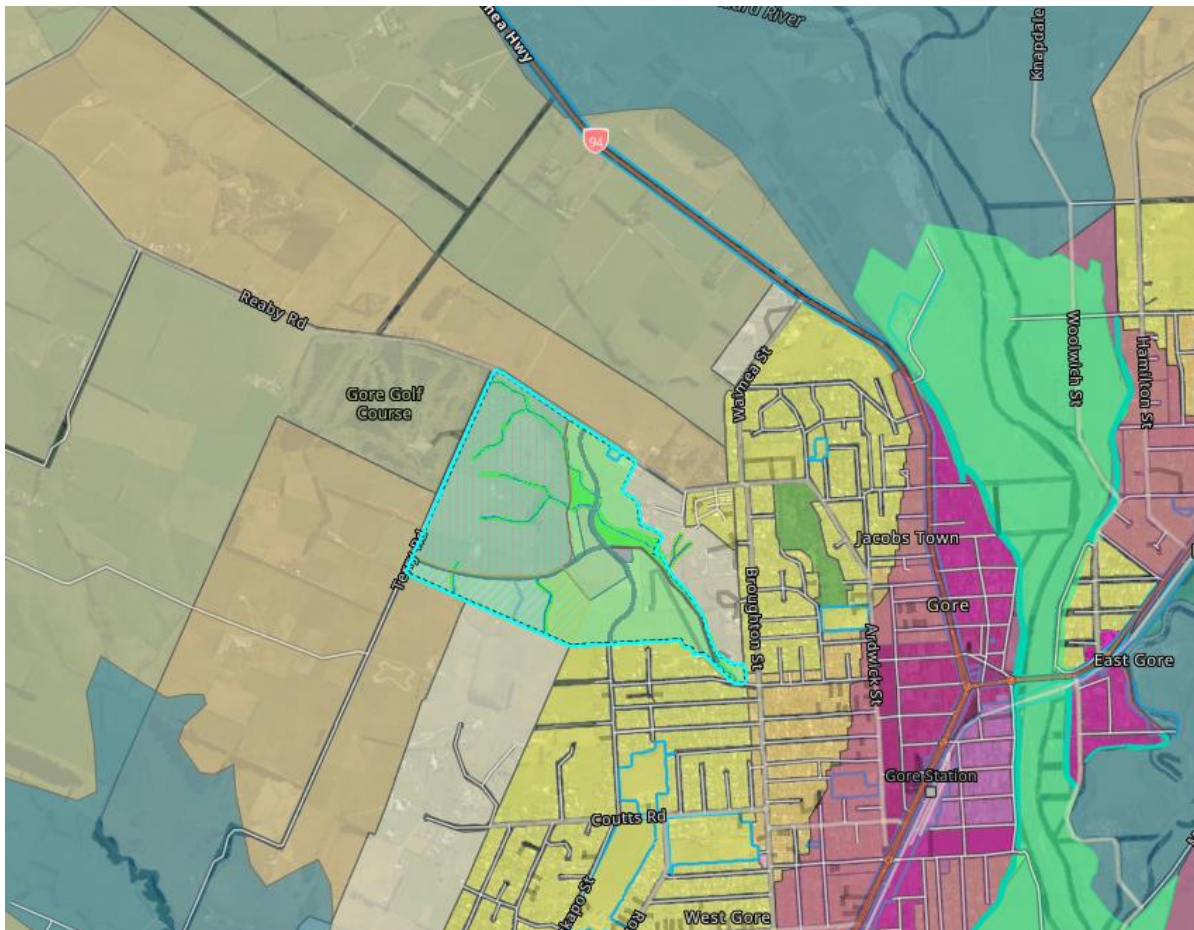


Figure 3: Gore West Development Area shown in blue highlight, Actual or potential inundation shown in dark blue.

143. For the above reasons I disagree with ES that the ODP zoning should be retained. Whilst consideration of flood hazard risk is required to ensure consistency with Section 6(h) of the RMA, as noted above the PDP zoning reflects existing development patterns and does not allow for significantly greater intensity of development than the ODP.
144. The broader issues around flood hazard management within existing urban areas and infill development within flood prone areas and will be dealt with in more detail through the Natural Hazards Chapter, as directed by the National Planning Standards, and will provide district wide direction for development which will be considered at a future hearing. It should be noted that there are objectives, policies and rules in the Natural Hazards Chapter in relation to flood risk, including in relation to minimum floor levels within areas subject to actual or potential inundation. Risks associated with natural hazards can therefore be managed through the Natural Hazard Chapter provisions.
145. Moreover, the setback standard for rivers and streams applies to buildings and structures in all zones, and earthworks, and includes the following matter of discretion:
 7. *The potential for flooding and to create new or exacerbate existing natural hazards, impact natural drainage patterns, redirect overland flow paths or flood flows, including on to other sites.*

146. Although the matter of discretion is not a performance standard as requested by the submitter, it allows for consideration of the matters raised by ES in relation to rivers and streams.

Recommendation

147. No amendments are recommended.
148. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.5.5 Matters raised by submitters – Appendix 2 Height in Relation to Boundary

149. CFMA (s99.045) seek greater certainty and clarity in the Appendix 2 diagram relating to height in relation to boundary provisions. The diagram provides no guidance for the recession plane angles where boundaries are not simply north, east, south or west.

Assessment

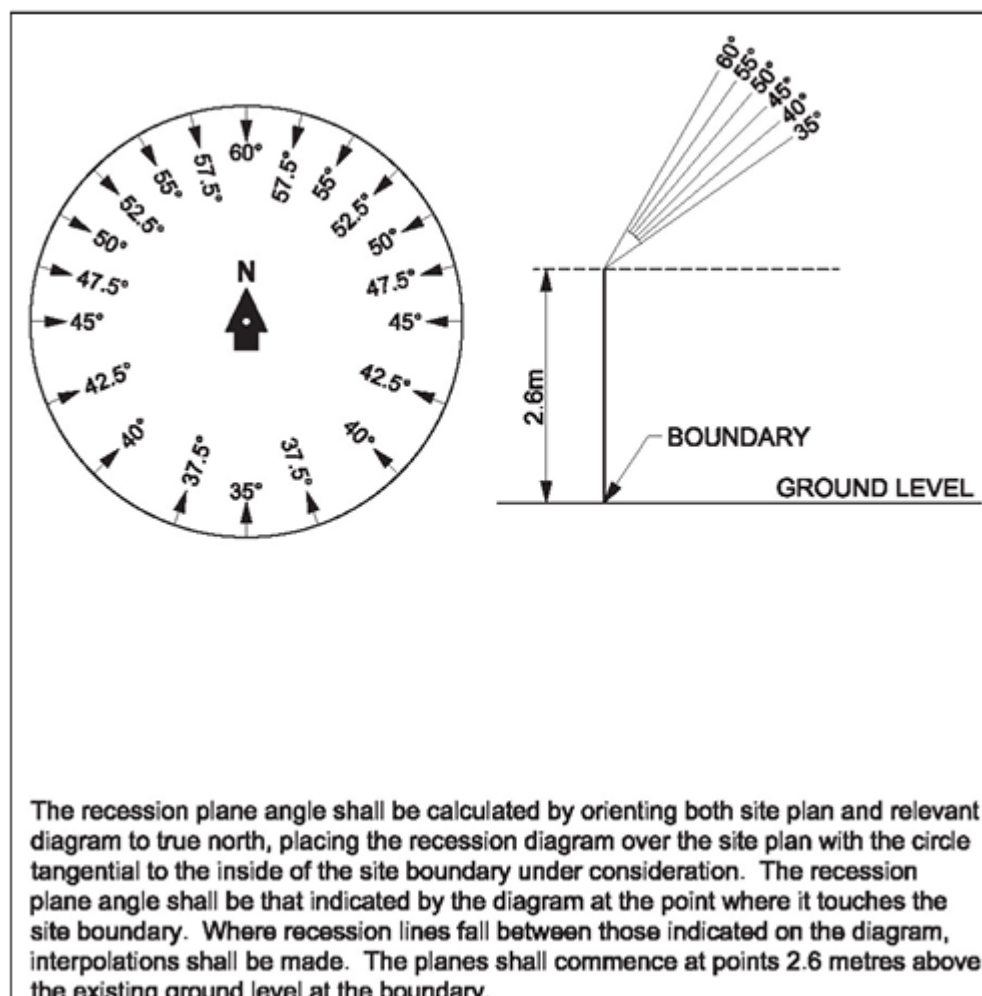
150. An email memorandum has been prepared by Fiona Whyte, Senior Urban Designer at The Property Group⁸. Within this memo Ms Whyte agrees that the diagram within the PDP may be difficult to interpret, particularly for users with irregular site shapes to determine the correct recession plane angle. Ms Whyte recommends reverting back to the original Height to Boundary diagram from the ODP. It is noted that this will have the consequential change of reverting the angle for northern boundaries from the proposed angle of 55 degrees to 60 degrees. Given the precedent of 60 degrees, this change is considered acceptable. I concur with this recommendation.
151. I note that this will affect how recession planes are calculated in other zones which also refer to Appendix 2. However as noted by Ms Whyte, reverting the angle for northern boundaries from the proposed angle of 55 degrees to 60 degrees is an acceptable change, given the existing situation under the ODP.

Recommendation

152. I recommend, for the reasons given above, that the diagram and northern boundary recession plane angle revert back to the ODP diagram as shown below:

⁸ Email Memorandum - Urban Design Advice

Diagram 4.2 – Recession plane



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

Section 32AA Evaluation

154. The following evaluates the recommendation to amend Appendix 2 diagram under Section 32AA of the RMA.

The proposed amendment will improve the usability of the plan as it is clear how to apply the standard. This will improve the consistency of the plan. This clarity is a benefit. There are no costs associated with the change as it maintains the status quo in terms of the applicable angles to boundaries as the existing ODP. The proposed recession plane angles will maintain good access to sunlight and protect the privacy and amenity of neighbours. This continues to align with GRZ-O2 and MRZ-O2 of the PDP.

6.6.6 Matters raised by submitters – Relocated Buildings

155. NZ Heavy Haulage Association (s77.002, s77.003, s77.004) seek permitted activity performance standards and criteria for the relocation of second-hand buildings. The standards only refer to buildings that are "new". The submitter has included a package of performance standards and

criteria to be met or seek the inclusion of “relocated buildings” in each activity rule which permits new buildings.

156. Kainga Ora have provided a further submission (FS28.070) in relation to the above (s77.004) and provided support in part with a suggestion of amending the definition of residential activity and residential units to include relocatable buildings and remove reference to “new” within relevant rules.
157. NZTA have provided a further submission (FS14.040) in relation to the above (s77.004) in opposition, raising concerns of compliance with acoustic insulation for relocated building adjacent to the state highway.

Assessment

158. This submission has been heard at Hearing Stream 2. I agree with the previous section 42a hearing report and section 32A analysis. I adopt those assessments and recommendations in relation to the Residential Zones.⁹

Recommendation

159. For the reasons given above it is recommended that each relevant zone rule across the Residential zones is amended to provide for relocated, as well as new, buildings as a permitted activity, subject to compliance with the rule requirements. The specific wording for each rule is provided within Appendix A, however, the wording would generally be (new text underlined and in red):

Any new, or relocated building or structure complies with.....

The intent of the further submission by Kainga Ora is achieved through the above recommendation, noting the definitions of ‘residential unit’ and ‘residential activity’ are both defined within the National Planning Standards.

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

6.6.7 Matters raised by submitters – KiwiRail 5m Setback Request

161. KiwiRail (s132.135- MRZ, s132.119- GRZ, s132.114 -LLRZ) seek an additional building standard requirement for a 5m setback for any building from the rail corridor. This would enable maintenance of buildings to be undertaken safely, without the risk of machinery, equipment or materials protruding into the rail corridor. They seek new standards labelled MRZ-S10, GRZ-S11 and LLRZ-S10 for their respective zones:

MRZ-S10, GRZ-S11 and LLRZ-S10 - All activities

⁹ S42 Assessments Hearing Stream 2.

1. Any Building or structure must not be located within a 5m setback from a boundary with a rail corridor

Activity status where compliance not achieved: Restricted Discretionary

Matters of discretion:

1. The safe and efficient operation of the rail network.
2. Compatibility with the surrounding environment.
3. The reason for the reduced setback.

162. Hamish Weir (FS5.153) opposes the inclusion of this new standard in the GRZ.

163. The submissions in Table 2 relate to KiwiRail's requested relief for the above building standard to be included in all rules relating to buildings and structures. Where amendments to the matters of control for a rule along with inclusion of the new standard were requested, this is shown in separate rows.

Table 2- Proposed Rules to include KiwiRail standard		
Related Provision	Submission Number	Requested changes
MRZ-R1 MRZ-R11 MRZ-R2 MRZ-R3 MRZ-R4 MRZ-R5 MRZ-R6	s132.123, s132.132 s132.124 s132.125 s132.126 s132.127 s132.128	Any new or extended building or structure complies with standards MRZ-S2, MRZ-S3, MRZ -S4, MRZ -S5, MRZ -S6, MRZ -S7, MRZ -S8, MRZ -S9, and MRZ-S10 (the new proposed standard).
MRZ-R8	s132.129	Any new or extended building or structure complies with standards MRZ-S2, MRZ-S3, MRZ -S4, MRZ -S5, MRZ -S6, MRZ -S7, MRZ -S8, MRZ -S9, and MRZ-S10 (the new proposed standard). Matters of control: 6. Matters of control of any infringed standard.
MRZ-R9	s132.130	Any new or extended building or structure complies with standards MRZ-S2, MRZ-S3, MRZ -S4, MRZ -S5, MRZ -S6, MRZ -S7, MRZ -S8, MRZ -S9, and MRZ-S10 (the new proposed standard). Matters of discretion: 9. Matters of discretion of any infringed standard
MRZ-R10	s132.131	Any new or extended building or structure complies with standards MRZ-S2, MRZ-S3, MRZ -S4, MRZ -S5, MRZ -S6, MRZ -S7, MRZ -S8, MRZ -S9, and MRZ-S10 (the new proposed standard).

		Matters of discretion: 11. Matters of discretion of any infringed standard
MRZ-R12	s132.133	Any new or extended building or structure complies with standards MRZ-S2, MRZ-S3, MRZ -S4, MRZ -S5, MRZ -S6, MRZ -S7, MRZ -S8, MRZ -S9, and MRZ-S10 (the new proposed standard). Matters of discretion: 7. Matters of discretion of any infringed standard.
MRZ-R13	s132.134	Any new or extended building or structure complies with standards MRZ-S2, MRZ-S3, MRZ -S4, MRZ -S5, MRZ -S6, MRZ -S7, MRZ -S8, MRZ -S9, and MRZ-S10 (the new proposed standard). Matters of discretion: 8. Matters of discretion of any infringed standard.
GRZ-R1 GRZ-R2 GRZ-R3 GRZ-R4 GRZ-R5 GRZ-R6 GRZ-R8 GRZ-R9 GRZ-R10 GRZ-R11 GRZ-R12 GRZ-R13	s132.117 s132.118 s132.244 s132.245 s132.246 s132.247 s132.248 s132.249 s132.250 s132.251 s132.252 s132.253	Any new or extended building or structure complies with standards GRZ-S3, GRZ -S4, GRZ -S5, GRZ -S6, GRZ -S7, GRZ -S8, GRZ -S9, ~~and~~ GRZ -S10 and GRZ-S11 (the new proposed standard).
LLRZ-PREC12-R1 LLRZ-R1 LLRZ-R2 LLRZ-R3 LLRZ-R4 LLRZ-R5 LLRZ-R6	s132.113 s132.242 s132.243 s132.109 s132.110 s132.111 s132.112	Where: Any new or extended building or structure complies with standards LLRZ-S2, LLRZ-S3, LLRZ-S4, LLRZ-S5, LLRZ-S6, LLRZ-S7, LLRZ-S8, ~~and~~ LLRZ-S9, and LLRZ-S10 (the new proposed standard)

Assessment

164. The submitter considers a 5m setback standard from the railway corridor would enable maintenance of buildings to be undertaken safely, without the risk of machinery, equipment or materials protruding into the rail corridor. Further, to ensure that people can use and maintain their land and buildings safely without needing access to the railway corridor, minimizing the risks of physical interference with railway operations and avoiding health and safety hazards for residents. In response to KiwiRail submission to include a new standard, for the avoidance of doubt, I consider that references to the 'rail corridor' are references to the KiwiRail Holdings Ltd railway purposes designation.

165. As part of Hearing Stream 2 the Panel requested the Submitter provide a response to the suggestion raised by Commissioner Hovell that the setback distance varies with the height of any building in proximity to the rail corridor boundary. KiwiRail proposed a stepped approach to setbacks which would require all buildings and structures to be setback based on their height:
- Less than 3m high - 2.5 metres
 - Between 3m to 9.5m high – 4 metres
 - Above 9.5m high – 5 metres
166. The Panel requested the Section 42a Authors for Hearing Stream 2 respond to the additional information from KiwiRail. In principle a stepped approach to setbacks is supported, as the space required for maintenance structures increases with the height of buildings and this method could reduce the impact on the landholder.
167. KiwiRail has argued that permanent space within private property is required to not only allow for temporary scaffolding and support structures, but additional space around scaffolding to allow for hypothetical dropped objects, where this object bounces off a scaffolding guardrail. The extent of the setback distance is primarily derived from the outputs from Dropped Objects Exclusion Zone Tool¹⁰. The Section 42a Authors for Hearing Stream 2 raise issues with the KiwiRail methodology and do not agree with the proposed setbacks. The full assessment is contained in the Right of Reply document¹¹, dated 19 July 2024. For efficiency I haven't repeated it here but concur with the assessment and resultant recommendation in the Right of Reply.

Recommendation

168. In relation to the LLR, the rail corridor does not pass through this zone and therefore no setback is required.
169. In relation to the MRZ, the rail corridor is in proximity to the zone but is separated by the State Highway. I therefore recommend that the standard is not added to the zone.
170. In relation to the GRZ, the rail corridor does pass within the zone. It is recommended a new standard is applied as follows. I have lowered the height in clauses 3 and 4 from 9.5m to 8m to align with the maximum height permitted in the GRZ zone:

GRZ-S11

Setback from Rail Corridor

1. Any building no greater than 3m in height shall be setback at least 1m from the legal boundary with the rail corridor of the Main South Line.

¹⁰ Appendix A to Hearing Stream 2: Memorandum of Counsel on Behalf of Kiwirail Holdings Limited, 5 July 2024

¹¹ Hearing Stream 2 Reporting Officer Right of Reply of Joanne Skuse, Mishka Banhidi, Tina Carlson-McColl and Victoria Woodbridge on behalf of Gore District Council, Date: 19 July 2024

2. Any building greater than 3m but no greater than 5m in height shall be setback at least 1.5m from the legal boundary with the rail corridor of the Main South Line.
3. Any building greater than 5m but no greater than 8m in height shall be setback at least 2.5m from the legal boundary with the rail corridor of the Main South Line.
4. Any building greater than 8m in height shall be setback at least 3.5m from the legal boundary with the rail corridor of the Main South Line.

Activity status where compliance is not achieved: **Restricted Discretionary**

Matters of discretion:

1. The safe and efficient operation of the rail network.
2. Compatibility with the surrounding environment.
3. The reason for the reduced setback.

171. The new standard will be inserted into the following Rules for each zone:

GRZ: GRZ-R1, GRZ-R2, GRZ-R3, GRZ-R4, GRZ-R5, GRZ-R6, GRZ-R8, GRZ-R9, GRZ-R10, GRZ-R11, GRZ-R12, GRZ-R13

172. I reject the submission point requesting matters of discretion are added to rules as if the setback standard is breached specific matters of discretion apply.
173. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

174. The following evaluates the recommendation to amend the Residential Chapters under section 32AA of the RMA.

Effectiveness and Efficiency

The recommended setback is consistent with the purpose of the Act 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.

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.

6.6.8 Matters raised by submitters – FENZ – Servicing and Built Form Standards

Servicing and Firefighting Provision

175. FENZ (S124.099-MRZ) seek a new standard requiring all new buildings located in the MRZ to be provided with a firefighting water supply in accordance with SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice, in order to manage fire risk. The requested standard is shown below and labelled MRZ-S10.

MRZ- S10 - All activities

1.Where available any residential unit and buildings for non-residential activities shall be connected to a Council reticulated water supply.

2.Where available any residential unit and buildings for non-residential activities shall be connected to a Council reticulated wastewater network.

3. Where Council reticulated water supply is unavailable, any residential unit and buildings for non-residential activities must:

- (a) be connected to a community drinking water supply; or
- (b) be connected to a private drinking water supply; or
- (c) store 45,000 litres of potable water on-site from another source.

4. Where Council reticulated wastewater is unavailable, any residential unit and buildings for non-residential activities must: be provided with an on-site wastewater treatment and disposal system.

5. All developments must have an independent water supply for firefighting that is compliant with SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice'

176. Table 3 below details the provisions in which FENZ supports in part, subject to the inclusion of firefighting water supply MRZ-S10- Servicing, as detailed above. Reasons given for the inclusion of the standard include:

- There will be cases where developments will not require subdivision, and therefore will not be subject to the water supply provisions of the Subdivision Chapter that requires subdividers to provide water supply.
- The assessment matters pertaining to the infringed standard will provide Council with the discretion as to the extent to which an activity achieves compliance with the NZ Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008, subject to the acceptance of the relief sought relating to an additional standard for servicing.

Table 3: Requested inclusion of a firefighting standard to Provisions	
Rule where firefighting standard requested	FENZ Submission number
MRZ-PREC7-R	s124.089
MRZ-PREC7-R2	s124.090
MRZ-PREC7-R3	FS124.091
MRZ-PREC9-R1	s124.093
MRZ-PREC9-R2	s124.094
MRZ-R1	s124.076
MRZ-R2	s124.085
MRZ-R3	s124.080
MRZ-R4	s124.081
MRZ-R5	s124.082
MRZ-R6	s124.083
MRZ-R8	s124.084
MRZ-R9	s124.086
MRZ- R10	s124.077
MRZ-R11	s124.078

MRZ-R12	s124.079
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177. FENZ (s124.068 and s124.048) further seek the existing servicing standards (GRZ-S2 and LLRZ-S2) in the GRZ and LLRZ be amended to require all developments to have an independent water supply for firefighting that is compliant with SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.

The addition to the servicing standard is as follows:

All developments must have an independent water supply for firefighting that is compliant with SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.

178. FENZ support the following provisions in the LLRZ and GRZ, as shown in Table 4, subject to the inclusion of the firefighting standard noted above. Reasons for the amendment to the standards include:

- There will be cases where developments will not require subdivision, and therefore will not be subject to the water supply provisions of the Subdivision Chapter that requires subdividers to provide water supply.
- The assessment matters pertaining to the infringed standard will provide Council with the discretion as to the extent to which an activity achieves compliance with the NZ Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008, subject to the acceptance of the relief sought relating to an additional standard for servicing.

Table 4: FENZ support subject to GRZ and LLRZ standard changes	
Rule where firefighting standard requested	FENZ Submission number
GRZ-R1	s124.056
GRZ-R2	s124.057
GRZ-R3	s124.058
GRZ-R4	s124.059
GRZ-R5	s124.060
GRZ-R6	s124.061
GRZ-R8	s124.062
GRZ-R9	s124.063
GRZ-R10	s124.064
GRZ-R11	s124.065
GRZ-R12	s124.066
Rule where firefighting standard requested	FENZ Submission number
LLRZ-R1	s124.041
LLRZ-R2	s124.042
LLRZ-R3	s124.043
LLRZ-R4	s124.044
LLRZ-R5	s124.045
LLRZ-R6	s124.046

179. FENZ (S124.055) further seek a new policy requiring all land use activities in the GRZ be adequately serviced, particularly in relation to reticulated water supply or an alternative method for firefighting purposes. This will give better effect to GRZ-O4. The new policy wording proposed is as follows:

GRZ- P9 Ensure all development is appropriately serviced including wastewater, stormwater, and water supply with sufficient capacity for firefighting purposes.

Built Form Standards

180. FENZ (s124.069, s124.095, S124.096 s142.049) support GRZ-S3, MRZ-S2, MRZ-S3 and LLRZ-S3 (height) in part but seek an exemption for emergency service facilities. Although fire stations can typically comply with an 8-9m height limit, elements such as towers or poles do not.
181. In relation to GRZ-S4, MRZ-S3 and LLRZ-S4 (height in relation to boundary), FENZ (s124.070, s124.096, s124.050) seek an exemption specifically for communication towers and poles for emergency service facilities.
182. FENZ (s124.072-GRZ, s124.052-LLRZ) support GRZ-S8 and LLRZ-S8 (building coverage) in part and request Emergency Service Facilities are enabled a 50% building coverage standard. The minimum building coverage for a volunteer fire station is 250m² and up to 1500m² for a career fire station. FENZ are concerned that a maximum permitted 40% building coverage per site would not provide for emergency service facilities.

Assessment

Servicing Standard

183. In relation to the addition of a servicing standard in the MDRZ, I do not consider it is necessary to include a servicing standard in zones where it is anticipated that all sites can connect to reticulated water and wastewater. Within the MDRZ, I have undertaken a desktop study which indicated that all sites are able to be provided with reticulated services and the nature of existing development and future development anticipated by the PDP is such that onsite servicing would both be unnecessary and incompatible with the urban nature of the zone.
184. There is currently a servicing standard in the PDP zones where reticulation may generally be available to some sites but not necessarily all sites. In addition, these zones provide for a density of development which would typically support reticulation, or if not available, a more focused consideration of onsite management of servicing would be required due to site size. The PDP currently includes a servicing standard within the following zones which may also have reticulated services:
- Large Lot Residential Zone
 - General Residential Zone
 - Settlement Zone
 - Māori Purpose Zone

185. An example of the PDP servicing standard is shown below.

GRZ-S2	Servicing
All activities	- Where available any <i>residential unit</i> and buildings for non-residential activities shall be connected to a Council reticulated water supply. - Where available any <i>residential unit</i> and buildings for non-residential activities shall be connected to a Council reticulated <i>wastewater</i> network. - Where Council reticulated water supply is unavailable, any <i>residential unit</i> and buildings for non-residential activities must: - be connected to a community <i>drinking water</i> supply; or - be connected to a private <i>drinking water</i> supply; or - store 45,000 litres of potable water on-site from another source. - Where Council reticulated <i>wastewater</i> is unavailable, any <i>residential unit</i> and buildings for non-residential activities must: - be provided with an on-site <i>wastewater</i> treatment and disposal system. Activity status where compliance not achieved: Restricted Discretionary Matters of discretion: - The ability to provide suitable on-site alternative services.

186. FENZ has requested that a similar standard be included within the MDRZ. The notable difference is the addition of a requirement to provide all developments with “*an independent water supply for firefighting that is compliant with SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice*”.

187. It is acknowledged that providing a standard for firefighting supply is a conscientious response to development, and there is currently no specific firefighting standard in the PDP. Moreover, the building code requirements are limited in this aspect. There is however a firefighting provision within the Subdivision and Land Development Bylaw 2019 (Amendment No 1, 2021)¹² which references part of the FENZ Code of Practice. The bylaw provision can continue to be relied on, although monitoring and enforcement issues have generally been identified with the bylaw. Alternatively, a standard could be incorporated into the PDP. I am concerned with including the entirety of the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice in the PDP, as proposed by the submitter. The standard is extensive and complex. I also wonder whether there may be instances where an alternative firefighting provision may be agreed by FENZ, which might not strictly comply with SNZ PAS 4509:2008, and therefore a resource consent would be required. Including the whole standard raises concerns in relation to the useability of the plan and the determining of compliance by Council officers due to the complexity and technical nature of the FENZ Code of Practice.

188. It is my understanding that, as part of a previous hearing stream, the submitter has been requested to provide potential wording or further evidence to justify inclusion of a new standard for firefighting water. The submitter has not provided new information and still maintains the inclusion of the entirety of SNZ PAS 4509:2008. A Section 32AA evaluation has also not been provided by the submitter. Whilst I consider there may be merit in including a standard with the key components of SNZ PAS 4509:2008 as an effective means of managing firefighting water supply through the PDP, additional evidence is required from the submitter.

¹² [Subdivision and Land Development Bylaw 2019.pdf \(goredc.govt.nz\)](#)

New Policy for Servicing

189. Policy LLRZ-P2 gives effect to LLRZ-O4. FENZ, through their submission (s124.055), seek a similar policy within the GRZ to give better effect to GRZ-O4. The intent of this submission is acknowledged and agreed with, however for consistency it is recommended that similar wording to the LLRZ-P2 be utilised, specifically:

LLRZ-PX Where reticulated services are not available, require activities to be self-sufficient and ensure appropriate on-site service provision is provided, having particular regard to:

1. the method of *sewage* and stormwater treatment and disposal;
2. the location, capacity and design of the proposed on-site services;
3. the environmental and cultural *effects* of the proposed on-site services, including minimising adverse *effects* on ecosystems; and
4. ensuring the location of vehicle accessways, manoeuvring and *stormwater* dispersal areas do not adversely affect the functioning of any on-site *wastewater* system.

190. It is recommended that the above policy be adopted for the purpose of the GRZ, with the intent being that this accepts in part the relief sought through s124.055, with the exclusion of the reference to firefighting provision in the basis no firefighting standard is proposed to be included.
191. The new policy would give effect to GRZ-O4 and would ensure consistency with the approach taken in other zones where there is urban fringe development.

Built Form Standards

192. I acknowledge the operational value of towers and poles. However, although FENZ have provided an image of a tower at a facility in Taupo in Appendix B of their submission, there is no clear indication of what a 'tower' might constitute. A pole would typically be slimline and therefore potentially have limited adverse effects despite an increased height. However, a tower may be a larger structure and it may therefore be appropriate to manage this structure through a resource consent process. Without further information about the proposed tower or poles and potential mitigation of adverse effects, such as boundary setbacks and maximum footprints, I do not consider it is appropriate to simply exempt these structures from the height limit or the height in relation to boundary requirements. I consider visual effects on persons residing in the area should be considered.
193. In relation to building coverage, retirement villages and comprehensive unit developments are typically developments which contain multiple small buildings on a site as opposed to one large building. In this regard, effects are of a lesser degree. These standards are representative of the anticipated character and built form of the zone based on the activities enabled, and the potential adverse effects on landowners within the zone and within adjoining zones. I do not consider a greater permitted maximum building coverage is necessary for emergency service facilities.

Recommendation

194. I recommend no change to the servicing requirements within the MRZ, noting these areas are all serviced by the council reticulation network.
195. I recommend the following policy be added to the GRZ as GRZ-P10:

GRZ-P10 Where reticulated services are not available, require activities to be self-sufficient and ensure appropriate on-site service provision is provided, having particular regard to:

1. the method of sewage and stormwater treatment and disposal;
2. the location, capacity and design of the proposed on-site services;
3. the environmental and cultural effects of the proposed on-site services, including minimising adverse effects on ecosystems; and
4. ensuring the location of vehicle accessways, manoeuvring and stormwater dispersal areas do not adversely affect the functioning of any on-site wastewater system.

196. I recommend no changes to the built form standards in the zones in relation to height, height in relation to boundary and building coverage for Emergency Service Facilities.
197. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

198. The following evaluates the recommendation to add a policy to the GRZ, under section 32AA of the RMA. The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The additional policy enables GRZ-O4 to be met. The benefits of the proposal are that it is clear what is required in terms of development in areas which are not reticulated and the anticipated environmental outcome. There are no apparent costs with the proposal.

The proposed amendment is considered to be a more appropriate way to achieve the Objective GRZ-O4 than the notified version of the PDP.

6.7 Zoning and Mapping Requests – ACROSS THE THREE RESIDENTIAL ZONES

6.7.1 Matters raised by submitters – Zoning – Large Lot Residential

199. Southland Developers Ltd (s98.003 and s98.001) seeks that 52 and 60A Waimea Street and adjoining properties are upzoned from the LLRZ to GRZ. Through submissions (s98.003 and s98.002) the submitters request that the property at 100 Waimea Street should remain as a Rural Zone. The submitter seeks any such further additional or alternative relief and any consequential or ancillary changes that give effect to the relief.
200. The submitter owns 52 and 60A Waimea Street, Gore. The sites are proposed to be LLRZ under the PDP. See Figure 4 below.
201. 100 Waimea Street contains the Croydon Lodge Hotel. This site is also proposed to be LLRZ under the PDP. See Figure 4 below.



Figure 4: 48, 52, 60A, 60B and 62 Waimea Street and 100 Waimea Street shaded blue, proposed LLRZ

202. The submitter considers LLRZ fragments land into an allotment pattern which becomes problematic towards achieving higher residential densities in the future. The subject site, or those other adjoining properties zoned LLRZ, do not have any topographical or geotechnical constraints that would suggest a LLRZ makes efficient use of land and the subject sites do not adjoin any natural features with high values.
203. The submission acknowledges that economic and growth assessments which support the PDP confirm the District's housing needs can be met by way of the residential zones identified by the PDP. However, developing those areas is contingent upon the individual development aspirations of these landowners. The submitter believes that multiple development opportunities in multiple locations offers more security that supply will be met in accordance with the expectations of the market.
204. The submission summarises detailed engineering assessments undertaken to service the site. The augmentation of servicing to the subject site for a residential allotment arrangement is not considered to represent an insurmountable bar towards obtaining a subdivision consent for residential densities.
205. CFMA supports submission s98.001 through their further submission FS22.067 and consider this area to be suitable for GRZ.

Assessment

206. I have reviewed the submission and supporting documents.
207. The land sought to be upzoned to GRZ contains four allotments measuring between 5847m² and 8987m². The total land area equates to approximately 3 hectares. A potential yield taking into account 15% of land put aside for roads and reserves, and existing development, could produce approximately 50 residential units at a GRZ density of 400m².

208. The site is free from hazards as highlighted in the submission. The area also has good roading access and can be connected to nearby reticulated services.
209. A stormwater assessment has been provided to demonstrate feasibility of a development akin to a GRZ development, as well as engineering plans for additional 3waters servicing. I consider capacity assessments would be required to demonstrate if additional upgrades to Council's 3waters networks are required however, I consider this can form part of a subdivision application process.
210. I agree with the submitter that the supply of future residential allotments is contingent upon the individual development aspirations of landowners. Multiple development opportunities do offer more security that supply will be met, in accordance with the expectations of the market. I consider this aligns with the NPS-UD, specifically Objective 2 in relation to housing affordability, by supporting competitive land and development markets and Policy 2 in relation to providing sufficient development capacity to meet expected demand for housing.
211. Arguably a LLRZ provides a buffer between the Rural Zone and the higher density residential land use however, existing residential development exists at the southern extent of Waimea Street to the west. The PDP has strengthened the objectives and policies in relation to the Rural Area and as such I do not consider re-zoning the land to GRZ would result in urban sprawl beyond the site. In relation to reverse sensitivity effects, the Rural zone contains standards requiring setbacks for buildings that houses animals and for large primary production buildings (GRUZ-S4).
212. The sites, although zoned Rural under the ODP, have previously been subdivided for residential use. As such the land is unlikely to be utilised for rural productive use and does not form a large and geographically cohesive area in relation to the NPS-HPL.
213. The submission does not contain any rationale as to why 100 Waimea Street should revert to Rural zoning. The site is utilised as a hotel complex and therefore does not reflect the anticipated character and amenity of a Rural zone.

Recommendation

214. I recommend, for the reasons given above, that 48, 52, 60A, 60B and 62 Waimea Street are rezoned General Residential Zone.
215. I recommend no changes to 100 Waimea Street.
216. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

217. The following evaluates the recommendation to rezone 48, 52, 60A, 60B and 62 Waimea Street under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The re-zoning will assist in achieving housing requirement in the short and medium term as required by UFD-O2. The benefits of the proposal include the submitters ability to provide for their economic wellbeing. Further, a variety of housing types and sizes are encouraged and available, aligning with UFD-O3. This is considered a benefit to the community.

Costs and Benefits

There is a potential cost to Council in relation to servicing, however capacity assessments will be required as part of future resource consents and if upgrades to services are required, this can be addressed at this time.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objectives of the PDP, specifically UFD-O2 and UFD-O3 and the purpose of the Act in relation to an efficient use of land, than the notified version of the PDP.

6.7.2 Matters raised by submitters – Zoning – LLRZ and RLZ

218. Nadine Fletcher (s92.002) seeks an alteration in the division between LLRZ and RLZ at 120 Wentworth Street. The submitter considers that the natural division between these zones should be the ridgeline on the northern boundary, rather than the southern boundary. Hamish Weir (FS5.132) further supports this submission. See figure 5 below detailing proposed zoning.

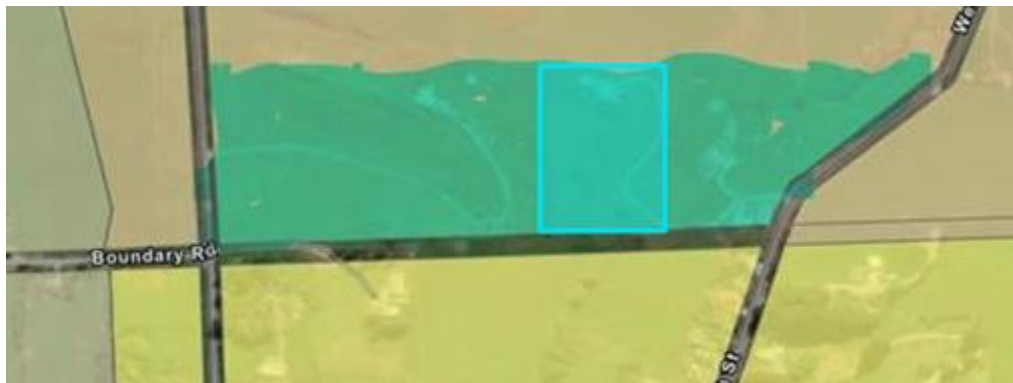


Figure 5: Submitter’s submission map, proposed rezoning area shaded green, submitters property shaded blue

Assessment and Recommendation

219. The submission and further submission were addressed in Hearing Stream 3 as part of the Rural Lifestyle mapping requests given the sites’ notified zone was RLZ. The submission was recommended to be accepted in part.
220. I recommend submissions s92.002 and FS5.132 are accepted.

6.7.3 Matters raised by submitters – Zoning – Large Lot Residential zone boundaries

221. CFMA (s99.002) seek a review and rationalisation of zone boundaries around the PDP RLZs and LLRZs to align zone boundaries with cadastral boundaries. The submitter notes that the PDP's RLZ cuts an arbitrary line through the middle of properties and is not aligned with the existing cadastral arrangement. Split zoning results in large portions of properties being surrounded by existing rural lifestyle land uses but further lifestyle land uses not being enabled. Results in the inefficient use of land.

Assessment

222. In relation to submission point s99.002, the submitter has not provided a specific location of the area they are referring to. There can be multiple reasons for properties having a split zoning. It may be that the zone boundary aligns with an overlay, such as inundation or highly productive land, or topographically it is logical for the zone boundary to dissect a site. It is therefore not always appropriate to change zoning just to align with cadastral boundaries. Without further information I cannot recommend any changes to the mapping based on this submission point.

Recommendation

223. I recommend, no changes on the basis of this submission.
224. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.7.4 Matters raised by submitters – Water Supply Treatment Facility Buffer Area

225. Clara McLennan (s102.001), Mathew McLennan (s106.001), Margaret Katon (s46.001), David Katon (s47.001), Desmond Wilson (s14.001), Janice Wilson (s15.001), Peter Kempthorne (s25.001), Brent Herbert (s55.002), BL & KM Shields & Barry Shields (s6.002), Damien Crosbie (s7.002), Anton Hoffman (s8.002), Laura-Lee Hoffman (s9.002), Courtney Horrell (s10.002), Jenna Potter (s11.002), Isobel Agnew (s48.002), Richard Agnew (s56.002) and Andrea McMillan & Tony Harpur (s134.009, s134.012, s134.013) oppose the Water Supply Treatment Facility Buffer Area in East Gore and Mataura and seek it is amended to align with the boundary of the Water Plant site, rather than extending 50m or removed altogether.
226. Andrea McMillan & Tony Harpur (s134.001) seek the accompanying rule GRZ-R14, along with all references to the Water Supply Treatment Facility Buffer Area, are deleted from the PDP.
227. The submitters list various reasons for their concern, including:
- If land is unable to be subdivided, it will subsequently drop in value. Financial compensation will be sought if the buffer zone proceeds.
 - The buffer zone will reduce the land value and there will be issues with noise from the treatment plant and increased costs.
 - There has been a lack of consultation.

- Environmental concerns. There is no science about the distance of 50 metres.
 - Matt Bayliss (Councils 3waters Asset Manager) advised the reason for buffer zones was to advise potential buyers of nearby water treatment plants. A note on the property file would meet this requirement without controls preventing subdivision.
 - Negative health and financial impacts on current owners who would seek financial compensation from Council.
 - An assessment of alternatives must be undertaken. A Notice of Requirement (NoR) would only designate Council-owned land. However, the buffer zone proposed extends 50m over private land. The submitter believes this has the effect of an extension of the designation and is concerned it may be an attempt to avoid the assessment required under Section 168 of the Resource Management Act (RMA).
228. CFMA (FS22.075, FS22.137, FS22.138, FS22.139, FS22.140, FS22.141, FS22.142, FS22.143, FS22.144, FS22.145, FS22.146, FS22.147, FS22.0148, FS22.149, FS22.150, FS22.053) further supports these submission points.



Figure 6: Water Supply Treatment Facility Buffer Area striped blue in East Gore.



Figure 7: Water Supply Treatment Facility Buffer Area striped blue in Mātaura

Assessment

229. The buffer zone is a mechanism to manage reverse sensitivity effects. This is not a new concept and is currently utilised in the ODP in relation to the wastewater treatment facilities¹³.
230. The buffer zone overlay is accompanied by a rule in the GRZ (GRZ-R14) and LLRZ (LLR-R11). The rules require that any sensitive activity located within the Water Supply Treatment Facility Buffer Area needs consent as a discretionary activity.

Sensitive Activity means any:

- (a) health care centre or hospital.
- (b) educational facility, including school, early childhood facility, play centre.
- (c) residential activity, including retirement village and supported residential accommodation.
- (d) visitor accommodation.
- (e) places of worship.
- (f) marae or Papatipu Rūnanga complex.
- (g) Graveyard or urupā.

231. Further, subdivision of land requires a resource consent regardless and the relevance of the buffer to a specific subdivision proposal would be addressed during this process. Assessments would likely consider the best location for the sensitive activity, or if an alternative location was not appropriate, whether measures such as screening or acoustic insulation could be utilised to

¹³ Gore District Plan, Chapter 4 Land use Activities, 4.4 Waste water treatment facility buffer areas. Rule 4.4.1: In areas shown as “wastewater treatment facility buffer area” on the Planning Maps the undertaking of any activity that provides accommodation for people (including any residential activity, visitor accommodation, health care activity, hospital activity and marae activity) is a discretionary activity.

[Chapter 4- Land Use Activities - Rules.pdf \(goredc.govt.nz\)](#)

minimise potential effects. The buffer zone and accompanying rule does not therefore prohibit the development of land within it. As such I disagree with the submission points which reason that the buffer zone prohibits the development of land. The proposed rules do not prohibit sensitive activities.

232. The Water Supply Treatment Plant plays a vital role in ensuring East Maitara has access to drinking water. The Plant has an operational need to locate in a residential zone because of technical, logistical and operational characteristics. I consider it is important to protect infrastructure which plays an essential supporting role to the east Gore residential community.
233. However, having reviewed the submissions and various arguments, I consider the buffer zone is not the most effective method to protect the operation of the existing infrastructure. The objectives and policies are not sufficiently clear to guide decisions makers on appropriate development within the buffer zone.
234. The infrastructure is currently undesignated under the ODP. Through the PDP process designations are proposed over both the East Gore Water Treatment and Pump Station and the Maitara Water Supply Treatment Site. In my opinion the designations will provide sufficient protection for the infrastructure. The designations will further be mapped and therefore are likely to be highlighted during due diligence exercises, advising potential buyers of the nearby infrastructure. I therefore accept the submission and further submission points.

Recommendation

235. I recommend, for the reasons given above, that the Water Supply Treatment Facility Buffer Area in East Gore and Maitara is removed from the PDP mapping. As a consequence, I recommend Rules GRZ-R14 and LLRZ-R11 are deleted.
236. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

237. The following evaluates the recommendation to delete the Water Supply Treatment Facility Buffer Area and Rules GRZ-R14 and LLRZ-R11 under section 32AA of the RMA.

Effectiveness and efficiency

The proposed change will enable the Council to effectively administer the PDP in a clear and consistent manner. The notified version of the GRZ and LLRZ lacked sufficient policy direction to support the buffer zone and accompanying rules. A designation will provide an effective and efficient planning mechanism to enable the operation of the infrastructure.

Costs and benefits

The benefits of the proposal are that land use development can occur without the need for a specific resource consent due to the location of an activity within the buffer area. This will save costs and ensure certainty for existing landowners in the vicinity. There are potential costs with the proposal as reverse sensitivity effects may occur which could hamper the operation of the

Water Supply Treatment Facility. This could negatively affect the East Gore community, or restrict development if the Treatment Plant cannot accommodate additional capacity without upgrade. However, I consider the proposed designation will ensure the treatment facility can continue to operate effectively.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objectives than the notified version of the PDP.

6.8 Specific Provisions – GENERAL RESIDENTIAL ZONE

6.8.1 Matters raised by submitters – GRZ-03

238. Charlton Rise Limited (s100.009) support GRZ-03 and the intention to allow for diverse range of housing typologies. Kainga Ora (FS28.055) further support this submission point.

239. Andrea McMillan & Tony Harpur (s134.002) seek an amendment to the objective to include consideration of amenity and require this to be maintained as well as uncompromised by non-residential activities. The submitter seeks Objective GRZ-03 is amended as follows:

“The purpose, amenity and character of the residential zones is maintained and not compromised by non-residential activities.”

Assessment

240. I agree with the proposed amendments to GRZ-03 by Andrea McMillan & Tony Harpur (s134.002). The additional wording provides for a comprehensive and precise objective highlighting three key aspects: purpose, amenity, and character. By including "amenity," it suggests a concern for the overall quality of life in the residential zones, which encompasses factors like comfort, convenience, and well-being. Additionally, by emphasizing that these aspects are "maintained and not compromised," it underscores the importance of preserving the residential nature of the zones while accommodating non-residential activities.

241. The associated policies discuss the ways in which to achieve the physical qualities and characteristics of the anticipated General Residential zone. This contributes to the amenity afforded to the zone which should not be compromised by non-residential activities.

242. This aligns with UFD-O1 which requires adverse effects between incompatible activities and zones to be managed.

Recommendation

243. I recommend, for the reasons given above, that GRZ-03 is amended as set out below and detailed in **Appendix A**.

GRZ-03 The purpose, amenity and character of the residential zones is maintained and not compromised by non-residential activities.

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

Section 32AA Evaluation

245. The following evaluates the recommendation to amend GRZ-O3 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The additional wording provides for a comprehensive and precise objective highlighting three key aspects: purpose, amenity, and character.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposed change.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve UFD-O1 and the purpose of the Act than the notified version of the PDP.

6.8.2 Matters raised by submitters – GRZ-04

246. Transpower (s101.079) seek an amendment to the objective to give effect to Policy 10 and Policy 11 of the NPSET. They seek adverse effects on infrastructure are mitigated and managed so that the operation, maintenance, upgrade and development of the infrastructure is not compromised. The submitter considers the Objective does not give effect to Policy 10 and Policy 11 of the NPSET due to the Objective directing an outcome of effects being mitigated, as opposed to being avoided (insofar as the Objective relates to the National Grid). The submitter seeks the following amendment to the objective:

Development is provided with appropriate infrastructure and adverse effects on infrastructure networks are managed so that the operation, maintenance, upgrade and development of the infrastructure is not compromised ~~mitigated~~.

247. Andrea McMillan & Tony Harpur (s134.003) seek the objective is amended to delete “adverse effects on infrastructure networks are mitigated”.

Development is provided with appropriate infrastructure ~~and adverse effects on infrastructure networks are mitigated~~.

248. FENZ (s124.053) and KiwiRail (s132.115) support the objective with no amendments. FENZ support GRZ-O4 for promoting the provision of appropriate infrastructure within the General Residential Zone. KiwiRail supports this objective which provides that development has appropriate infrastructure and adverse effects on infrastructure networks are minimised.

Assessment

249. Support for the objective is acknowledged.
250. On review of Policy 10¹⁴ and Policy 11¹⁵ of the NPSET, and to better align with Objective INFR-O3 of the Infrastructure Chapter of the notified PDP, I agree with the amendment sought by Transpower (s101.079). The amendment is clear and specific in its intent. It indicates a proactive approach to handling adverse effects on infrastructure, ensuring that they do not hinder its ongoing functioning or future improvement. Whilst Transpower have a focus on the National Grid, I consider all infrastructure is relevant in relation to development. This aligns with UFD-O1 encouraging the district to develop in a cohesive, compact and structured way, as infrastructure is critical to achieve this. Further, UFD-O7 which ensure urban environments are liveable, and well-designed, with adequate servicing.
251. In relation to the submission by Andrea McMillan & Tony Harpur, no reasoning is provided for the suggested amendments. I consider that to achieve a well-functioning urban environmental, infrastructure needs to be protected.

Recommendation

252. I recommend, for the reasons given above, that GRZ-O4 is amended as follows:

Development is provided with appropriate infrastructure and adverse effects on infrastructure networks are managed so that the operation, maintenance, upgrade and development of the infrastructure is not compromised ~~mitigated~~.

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

Section 32AA Evaluation

254. The following evaluates the recommendation to amend GRZ-O4 under section 32AA of the RMA.

¹⁴ NPSET: POLICY 10: In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.

¹⁵NPSET: POLICY 11: Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).

Effectiveness and efficiency

The amendment is clear and specific in its intent. It indicates a proactive approach to handling adverse effects on infrastructure, ensuring that they do not hinder its ongoing functioning or future improvement.

Costs and benefits

The benefits of the proposal include protection of infrastructure so that communities can rely upon it in the future and grow effectively. Whilst residential growth is enabled, it must be balanced with infrastructure capacity. Upgrades should be enabled when necessary to support the community. There are no apparent costs with the proposal.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve UFD-O1 and UFD-O7, higher order documents (NPSET) and the purpose of the Act.

6.8.3 Matters raised by submitters – GRZ-P7

255. NZTA (s112.137) generally support this policy but seek consideration of whether development can be accommodated within the existing infrastructure and transport network and whether upgrades are required. The submitter seeks to amend GRZ-P7 as follows:

“Ensure development is designed consistent with the capacity of existing infrastructure and transportation networks or will be appropriately upgraded and, where practicable, incorporates low impact approaches to stormwater management.”

256. KiwiRail (s132.116) generally support this policy but seek an amendment to ensure development is protected from increased flooding and erosion risk. The submitter seeks to amend GRZ-P7 as follows:

“Ensure development is designed consistent with the capacity of existing infrastructure networks and, where practicable, incorporates low impact approaches to stormwater management that does not result in increased flooding and erosion risk.”

Assessment

257. In response to NZTA, the inclusion of “transportation” networks specifically highlights considerations related to transportation infrastructure including roads, pavements, cycle paths and crossings. I agree this is a positive inclusion for an urban area where development should require consideration of this type of infrastructure, as well as water supply, sewage systems, and utilities.
258. By ensuring that development is designed consistent with the capacity of existing infrastructure networks, the policy promotes responsible growth and development that will not overburden existing infrastructure. The provision for upgrades to infrastructure and transportation networks, if necessary to accommodate development, emphasises the importance of ensuring that the existing infrastructure can adequately support new development or that upgrades will

be undertaken to meet the increased demand. This will be beneficial for planners, developers, and stakeholders in identifying the requirements for development in the zone. I agree with this amendment to the policy.

259. In relation to KiwiRail submission points, low-impact stormwater design aims to mitigate the adverse effects of stormwater runoff on the environment, however it is possible that it could inadvertently lead to increased flooding and erosion risk under certain circumstances. For example, improperly sized or maintained systems or incorrectly channelled runoff, can erode soil, destabilize stream banks, and increase sedimentation downstream. I consider a Code of Practice document is a more appropriate means of managing this through the detailed design of systems. As such, I make no amendments to GRZ-P7 in this regard.

Recommendation

260. I recommend, for the reasons given above, that GRZ-P7 is amended as follows:

GRZ - P7 Ensure development is designed consistent with the capacity of existing infrastructure and transportation networks or will be appropriately upgraded and, where practicable, incorporates low impact approaches to stormwater management.

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

Section 32AA Evaluation

262. The following evaluates the recommendation to amend GRZ-P7 under section 32AA of the RMA.

Effectiveness and efficiency

The amendment is clear and specific in its intent. It indicates a proactive approach to handling adverse effects on infrastructure, ensuring that they do not hinder its ongoing functioning or future improvement.

Costs and benefits

The benefits of the proposal include protection of infrastructure so that communities can rely upon it in the future and grow efficiently and effectively. Whilst residential growth is enabled, it must be balanced with infrastructure capacity. Upgrades should be enabled when necessary to support the community. There are no apparent costs with the proposal.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve UFD-O1 and UFD-O7, higher order documents (NPSET) and the purpose of the Act.

6.8.4 Matters raised by submitters – GRZ-P8

263. Andrea McMillan & Tony Harpur (s134.004) seek an amendment to the policy to require adverse effects of activities occurring on reserve land be avoided, remedied or mitigated. Specifically,

the East Gore Water Supply Treatment Plant is located in a residential zone, without constraint or management of its effects, and the surrounding residential activity which will remain significantly adversely affected.

GRZ-P8 Enable the use of reserve land where the activity and/or development is consistent with the relevant Reserve Management Plan and where the adverse effects are avoided, remedied or mitigated

Assessment

264. This policy applies to land with reserve status under the Reserves Act 1977. The East Gore Water Supply Treatment Plant is not situated on reserve land and is not managed by a Reserve Management Plan. Reserve Management Plans are reviewed and updated by Council periodically and are open for public submissions. As such, the community is able to have input on their content, ensuring they are further community focused. GRZ-P8 as a policy is given effect to by GRZ-R7, which enables activities in areas administered under the Reserves Act 1977 where they comply with a Reserve Management Plan. I do not consider the additional wording is a necessary addition, and recommend the submission is rejected.

Recommendation

265. I recommend no changes to GRZ-P8.

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

6.8.5 Matters raised by submitters – GRZ-P9

267. Transpower (s101.080) oppose the policy as the submitter considers it may prevent upgrade and development of the National Grid. The submitter seeks an exemption for activities which are critical infrastructure and have a functional or operational need for a certain location. Transpower considers the wording in this Policy does not give effect to the NPSET.

GRZ-P9 Avoid activities that are incompatible with the character, qualities and purpose of the General Residential Zone except where the activity is critical infrastructure that has a functional need or operational need for its location.

Assessment

268. The definition of 'critical infrastructure' is as follows:

those necessary facilities, services, and installations which are critical or of significance to either New Zealand, Southland, or Gore. This may include but is not limited to:

- i. strategic land transport network and arterial roads;*
- ii. rail corridor;*
- iii. telecommunication facilities;*
- iv. national, regional and local renewable electricity generation activities of any scale;*

- v. *the electricity transmission network (the National Grid);*
- vi. *sewage collection, treatment and disposal networks;*
- vii. *community land drainage infrastructure;*
- viii. *community potable water systems;*
- ix. *established community-scale irrigation and stock water infrastructure;*
- x. *transport hubs and bulk fuel supply infrastructure including terminals and pipelines.*

269. I support the inclusion of critical infrastructure in the policy and consider it is important for it to be qualified with the inclusion of 'functional and operational need'. This is because not all infrastructure has a functional or operational need to locate in the GRZ.

Recommendation

270. I recommend, for the reasons given above, that GRZ-P9 is amended as follows:

GRZ-P9 Avoid activities that are incompatible with the character, qualities and purpose of the General Residential Zone except where the activity is critical infrastructure that has a functional need or operational need for its location.

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

Section 32AA Evaluation

272. The following evaluates the recommendation to amend GRZ-P9 under section 32AA of the RMA.

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. I do not consider there are any costs associated with the proposed amendment.

The amended policy better aligns with UFD-O1 and UFD-O7 in relation to urban environments and infrastructure. I further consider the amendment aligns with the Energy and Infrastructure chapters, specifically INFR-O3, INFR-P6, ENRG-O4 and ENRG-P8.

6.8.6 Matters raised by submitters – GRZ-R6 & GRZ-R8

273. MoE (s125.046, s125.047) support the rule in part but seek an amendment to permit education facilities where the hours of operation are between 0700 and 1900 hours, Monday to Friday and buildings comply with the building standards. Where compliance is not achieved a restricted discretionary activity consent is requested. The submitter considers it is not reasonable to only provide for educational facilities within existing residential units.

274. The amendment seeks compliance with the relevant standards to ensure the bulk and location of an educational facility is consistent with the outcomes sought in the General Residential zone. A maximum number of people on site provides unreasonable restrictions on educational facilities. A change in activity status to restricted discretionary when compliance is not achieved ensures that the consideration of effects is appropriately limited to matters of relevance.

275. MoE (s125.049, s125.050) further seek GRZ-R8 is amended to permit the alteration or expansion of existing education facilities subject to standards. If compliance with the standards cannot be achieved a restricted discretionary activity consent is requested. The matters of discretion are proposed to include those notified as matters of control for GRUZ-R8.

Assessment

276. The notified rule, GRZ-R6, enables educational facilities within residential units and minor residential units for the purposes of home-based childcare services. The nature and scale of the activity is specifically managed to ensure potential adverse effects on residential amenity are managed. Beyond these levels, a resource consent process is then required.
277. This aligns with the direction in GRZ-P5 to enable select small-scale non-residential activities which meet specified criteria; and for activities beyond these to be allowed where they meet the criteria in GRZ-P6. Where a larger facility is proposed, for example a preschool or school within the GRZ, I consider it appropriate that this is assessed through a resource consent process, in order to consider its alignment with GRZ-P6. Similarly, extensions to existing educational facilities should be managed, albeit with a more permissive activity status to acknowledge they are an existing activity within the zone. By contrast, the rule amendments sought by MoE would allow for an educational facility of any scale to locate within a residential area, subject only to “general” limits on hours of operation. I do not consider that this is sufficient to ensure the policy direction is met. I consider a discretionary activity status is appropriate in the GRZ, where broad consideration of effects is, in my view, needed to consider the specifics of an activity against the policies and objectives.
278. Overall, I consider there is a policy pathway for educational facilities, allowing for the specific effects of these activities to be considered on a case-by-case basis. I do not consider the policy direction to be difficult to achieve and therefore do not consider that the approach taken is unreasonable.

Recommendation

279. I recommend, for the reasons given above, no changes to GRZ-R6 or GRZ-R8.
280. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.8.7 Matters raised by submitters – GRZ-R13

281. FENZ (s124.067) support GRZ-R13 in part but seek the activity status is amended to permitted, subject to building standards. They consider this the best way to provide for the activity given FENZ are not a requiring authority and cannot designate land for their purposes.
282. Emergency service facilities are provided for in this zone as a restricted discretionary activity. New fire stations in the district may be necessary in order to continue to achieve emergency response time commitments in situations where development occurs and populations change.

283. The submitter considers that provisions within the rules of the district plan are therefore the best way to facilitate the development of any new fire stations within the district as urban development progresses. FENZ consider that emergency service facilities should be provided for as a permitted activity, which will be subject to the performance standards for buildings. Where there is a non-compliance with the performance standards, a restricted discretionary activity is requested subject to the matters of discretion associated with the infringed standard. This will ensure that Council have the discretion over what activities are deemed acceptable to be located in the General Residential Zone based on the performance standards infringed.

Assessment

284. I acknowledge the importance of emergency services facilities to the health, safety and wellbeing of people and the community. Under the PDP, Emergency Service Facilities are managed in the GRZ through a restricted discretionary activity status, rather than being permitted.
285. I do not agree with permitting emergency services facilities simply because FENZ is not a requiring authority. In my view, whether fire stations should be permitted or not should relate to the appropriateness of such an activity status in implementing the relevant policy direction and achieving the objectives for the zone. In this instance, the primary focus of the zone is for residential activities, with other compatible activities that support the wellbeing of residents also anticipated. Under GRZ-P6, selected non-residential activities are to be allowed where they meet the criteria set. While I consider that emergency services facilities can meet these criteria (depending on circumstances) I consider the appropriate avenue to consider this is through a restricted discretionary consent pathway. This is particularly important with respect to ensuring that adverse effects on residential amenity values are appropriately avoided or minimised.
286. On this basis I recommend the submission is rejected.

Recommendation

287. I recommend, for the reasons given above, no change to GRZ-R13.
288. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.8.8 Matters raised by submitters – GRZ-R14

289. Andrea McMillian and Tony Harpur (s134.001) oppose GRZ-R14 in its entirety and seek it is deleted. There is uncertainty regarding if residential activity can be undertaken on the land, with Council likely to be opposed (as indicated in the intent of the designation documentation) and can be declined. The submitter references advice the Council received from BECA in regard to discretionary activities. The proposed rule is in clear conflict with established policies, lacks implementation of said policies, it has not been justified in the s32 evaluation nor a cost benefit analysis completed.

Assessment

290. This submission point is addressed in Section 6.7.4 in relation to the mapping of the Water Supply Treatment Facility Buffer Zone overlay.

Recommendation

291. It is recommended that the buffer zone is removed along with GRZ-R14.
292. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.8.9 Matters raised by submitters – GRZ-S1

293. CFMA (s99.028) seek the non-complying activity status for this rule changed to restricted discretionary as a non-complying activity status is excessively restrictive for a minor breach or specific circumstances where a density breach occurs, but a proposal is consistent with character and amenity values. Hamish Weir (FS5.149) and Kainga Ora (FS28.062) have further submitted in support of this submission point.
294. Charlton Rise Limited (s100.011) support the standard as notified.

Assessment

295. The proposed GRZ-S1 standard is intended to provide for an appropriate level of density within the GRZ, that strikes a balance between the density provided for in the LLRZ and MRZ. The activity status of 'non-complying' is purposefully strong to ensure that proposed development is consistent with the existing and intended character and amenity of the GRZ, whilst enabling a suitable level of density. It is acknowledged that a minor non-compliance with this density standard may result in a more onerous consenting process than may be strictly appropriate, though provided a proposal could be developed in accordance with the relevant objectives and policies there is no reason a resource consent approval couldn't be granted.
296. Based on the above, a solution that provides for the intent of the submission (s990.028) and further submissions (FS5.149 and FS28.062), would be a sliding scale for density. For developments between 350m² and 399m² a discretionary activity status will apply, and for developments less than 350m² a non-complying activity status will apply. The proposed sliding scale is intended to allow for minor non-compliances, rather than setting a new density threshold.

Recommendation

297. I recommend, for the reasons given above, that GRZ-S1 is amended as follows:

Residential activities	The maximum density for residential units is:	Activity status where compliance not achieved with <u>GRZ-S1(1) but the density of</u>
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	1. One residential unit per 400m² for any site connected to a reticulated sewerage system; or 2. One residential unit per 2000m² for any site not connected to a reticulated sewerage system. The maximum density for minor residential units is: 3. One minor residential unit per residential unit.	<u>development does not exceed one residential unit per 350m²:</u> <u>Discretionary</u> <u>Where the density of development exceeds one residential unit per 350m²:</u> <u>Non-Complying</u> <u>Activity status where compliance not achieved with GRZ-S1(2) and GRZ-S(3):</u> Non-Complying
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298. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

299. The following evaluates the recommendation to amend under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The proposed amendment will allow for a more appropriate activity status proportionate with the density sought to enable more efficient resource consent processing.

Costs and benefits

The benefits of the proposal is a potential reduction in costs and time to plan users with the amended activity status reflecting a more proportionate non-compliance.

Risk of acting or not acting

There is the potential for an unnecessarily onerous consent process for minor non-compliances if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve Objective GRZ-O1 than the notified version of the PDP.

6.8.10 Matters raised by submitters – GRZ -S2 – Servicing

300. AdMore Designs Limited (s21.001) oppose GRZ-S2 in part and seek the 45,000L requirement for potable water onsite is reduced to 44,000L given houses with a floor area less than 200m² require less potable water for firefighting.
301. FENZ (FS16.001) opposes this submission. There is concern that the reduction in the storage of potable water supply may compromise the volume of water available for firefighting water

Assessment

302. Within the GRZ it is not entirely certain that every site will have access to reticulated water and wastewater. Therefore, servicing standard GRZ-S2 is considered appropriate to encourage larger developments to extend Council services, or ensure alternative servicing in lieu of reticulation.
303. The proposed 45,000 litre requirements within this standard are intended to provide for sufficient capacity of both potable and firefighting water supply. However, following the request for a lesser volume and the submissions from FENZ requiring a separate firefighting provision clause, I have reviewed the initial purpose of the standard and what it intends to achieve.
304. From a review of other District Plans there is very little consistency in terms of “sufficient” capacity requirements for onsite servicing, and this varies hugely from region to region, largely due to rainfall discrepancies between climates.
305. SNZ PAS 4509:2008 further requires different water volume capacity based on the size of the dwelling. Similarly, if a sprinkler system is installed lesser static water is required.
306. Based on this, it is recommended that the reference to a specific volume is excluded from the water supply clause, such that the amount of potable drinking water requirements reverts to the Building Act requirements¹⁶ and the Councils Bylaw. Firefighting provision will continue to be managed by SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.
307. This will allow for greater flexibility but the intent of the standard, which is to ensure access to alternative servicing methods is maintained.
308. As discussed previously, there may be merit in an additional clause specifically to address firefighting however, in lieu of a more clear-cut wording provided by the submitter, I do not support inserting SNZ PAS 4509:2008 into the standard.

¹⁶ The regulations pertaining to water supply within buildings are primarily governed by the Building Code, which is part of the Building Act 2004. Specifically, the Building Code outlines requirements related to water supply and sanitation under several clauses. Clause G12 Water Supplies covers requirements for the provision of potable (drinkable) water supply within buildings, including quality standards, distribution systems, and storage.
[Building Act 2004 No 72 \(as at 23 December 2023\), Public Act Contents – New Zealand Legislation](#)

Recommendation

309. I recommend minor changes to standards GRZ-S2 to remove reference to a set capacity of onsite potable water.

Servicing....

3. Where Council reticulated water supply is unavailable, any residential unit and buildings for non-residential activities must:

- (a) be connected to a community drinking water supply; or
- (b) be connected to a private drinking water supply; or
- (c) ~~provide store 45,000 litres of~~ provide store 45,000 litres of potable water on-site from another source.

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

Section 32AA Evaluation

311. The following evaluates the recommendation to amend under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The proposed changes offer more flexibility to the standards, whilst still effectively providing for appropriate controls for servicing in the GRZ.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner.

Risk of acting or not acting

There is the potential for unnecessarily onerous provisions if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve Objective GRZ-O4 than the notified version of the PDP.

6.8.11 Matters raised by submitters – GRZ-S5

312. AdMore Designs Limited (s21.002) oppose the standard in part. Firstly, they seek the allowance for a carport or garage to locate within the setback to be amended to enable a building 8m in length as opposed to 6m. This is because of the size of vehicles nowadays and the need to have

space to move around a parked vehicle within the structure. Hamish Weir (FS5.150) and CFMA (FS22.070) support this submission.

313. AdMore Designs (s21.003) further seek an amendment to the exemption for eaves. A maximum of 350mm without the need of fire rating should be enabled, and where eaves encroach 600mm, fire rating under the NZBC is required.
314. CFMA (s99.029) seek the exemption for carports and garages (GRZ -S5.1(c)) is amended to enable the buildings to locate within the road boundary setback. Hamish Weir (FS5.151) supports this submission.
315. KiwiRail (s132.120) seek the exemptions are amended such that fences are not permitted within the setback adjacent to the railway corridor. The submitter also seeks an additional compliance measure that no buildings are located within 5m of the railway corridor. An additional standard is requested in relation to a 5m setback from the railway corridor.

Assessment

316. In relation to the changes relating to the eave exemption, I acknowledge that there is merit in informing plan users that the standard may result in differing aspects of the Building Act applying. I do not agree with amending the rule to include reference to fire rating and compliance with the New Zealand Building Code as this is a Building Act matter. However, I do consider it is suitable to include a note beneath the standard advising plan users that eaves encroaching the setback may result in consequential fire rating requirements under the Building Act.
317. An email memorandum has been prepared by Ms Fiona Whyte, Senior Urban Designer at The Property Group.¹⁷ Within this memo Ms Whyte provides an assessment in relation to the increased carport or garage length and the request for the exemption to also apply to the road setback.
318. The requested relief to allow for a carport or garage within the setback to be increased to 8m, from the notified 6m, is supported by Ms Whyte. This is on the basis that the proposed change will accommodate modern vehicles with limited impacts on streetscape. The requirement for the building to be free from windows and doors on the elevation facing the boundary will remain to protect the privacy of neighbours. Based on the expert advice received, I accept the submissions seek to increase the length of permitted carports and garages.
319. In relation to allowing an exemption for carports and garages within the road setback, while the requested relief is acknowledged in terms of ease of access and the ability to maximise flexibility for development, the proposal goes against best practice urban design for the following reasons:
 - Reduced visual cohesion of the built edge, spatial enclosure of the street and street character.

¹⁷ Email Memorandum - Urban Design Advice, by Ms Fiona Whyte of The Property Group, July 2024

- May result in a lower quality of built form on the street front.
- May obstruct visual connection between the street and dwelling with consequential impacts on passive surveillance.
- May result in excessive stretches of vehicle crossings, reducing space for footpaths, planted berms, street trees and furniture.

320. I support the assessment provided within the urban design memo and as a result do not recommend accepting the requested relief regarding garages and carports within the front yard setback.

Recommendation

321. I recommend GRZ-S5 is amended as follows:

Setbacks to side and rear boundaries

1. Any building or structure shall be setback a minimum of 1m from any side and rear boundary

Except that:

- (a) Fences are permitted within the setback
- (b) eaves, gutters and associated downpipes on any building may intrude into the setback by a maximum of 600 mm.
- (c) no setback is required for buildings that share a common wall along the boundary.
- (d) a carport or garage, either standalone or attached to the residential unit may be setback a minimum of 500mm from a side or rear boundary provided that the maximum length of the building adjacent to the property boundary does not exceed ~~68~~ metres and contains no doors or windows.

Note: Eaves, gutters and associated downpipes encroaching the setbacks may result in consequential fire rating requirements under the Building Act 2004.

322. I recognise that this setback rule may appear in other zones across the plan, for example the Mixed-Use zone. I do not consider there is clear scope to flow through these changes to the other zones that were not sought in the submission. I do consider there is benefit in doing this though given the reasons for the proposed amendments. The panel may consider it is a consequential change that is permissible under clause 10(2)(b) First Schedule.

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

Section 32AA Evaluation

324. The following evaluates the recommendation to amend under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The proposed changes offer more permissive standards where effects can be mitigated, whilst still effectively providing for appropriate controls reflective of a GRZ.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

Risk of acting or not acting

There is the potential for unnecessarily onerous provisions if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve Objectives GRZ-O1, GRZ-O2 and GRZ-O3 than the notified version of the PDP.

6.9 Specific Provisions – MEDIUM DENSITY RESIDENTIAL ZONE

6.9.1 Matters raised by submitters – MRZ- P1

325. NZTA (s112.139) supports MRZ-P1 as it encourages active modes of transport, less reliance on cars and reduces overall carbon emissions.
326. Charlton Rise Limited (s100.014) oppose the policy as zones may be created prior to employment centres. Using 'or' instead of 'and' in the policy would enable development if any one of the criteria is met.

MRZ-P1 Enable density in line with the standard where they are located within easy walking distance of employment centres, amenities ~~and~~ or transport routes.

Assessment

327. I acknowledge the support for the policy from NZTA.
328. I consider the proposed amendment from Charlton Rise Ltd will improve the applicability of the policy. Achieving all three criteria of 'employment centres, amenities and transport routes' is a particularly high threshold in order to enable the density of the MRZ. However, being located in walking distance to a transport route would assist in accessing an employment centre, as public transport may be an option in the future.
329. The MRZ zones have been identified to surround with the centre of Gore or where Neighbourhood Centres are existing. Whilst the neighbourhood centres are small, they do provide for some employment and amenities for the community. The submitter is correct that

the zoning for the Gore West Development Area will precede the neighbourhood centre in this area and so the workability of the policy is improved with the proposed amendment.

Recommendation

330. I recommend, for the reasons given above, that MRZ-P1 is amended as follows:

MRZ-P1 Enable density in line with the standard where they are located within easy walking distance of employment centres, amenities ~~and~~ or transport routes.

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

Section 32AA Evaluation

332. The following evaluates the recommendation to amend MRZ-P1 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The amendment will improve the applicability of the policy in relation to the Gore West Development area.

Costs and benefits

The benefits of the proposal are that increased density will provide housing in close proximity to either an employment centre, amenities or transport routes.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve Objective MRZ-O3, UFD-O1 and UFD-O2, than the notified version of the PDP.

6.9.2 Matters raised by submitters – MRZ- P8

333. FENZ (S124) supports MRZ-P8 as it provides for emergency service facilities where there is an operational or functional need to be located in the MRZ.

334. MoE (S125) support the policy in part, but seek an amendment to the wording to utilise “Enable” instead of “Only allow”.

Assessment

335. Support for the policy is acknowledged.

336. The phrase ‘only allow’ is consistent with the framework of the rules for community facilities, healthcare activities and educational facilities and emergency service facilities, which is restricted discretionary or discretionary. The establishment of the activities is therefore managed by the plan and achieving the criteria outlined in the policy enables their establishment. I therefore do not consider the proposed wording from MoE is appropriate.

Recommendation

337. No changes are recommended.
338. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.9.3 Matters raised by submitters – MRZ-P11

339. FENZ (s124.075) support MRZ-P11 as it seeks to ensure new development or re-development does not exceed available capacities for servicing and infrastructure and is co-ordinated with infrastructure provision. The submitter notes that it is important that developments provide an adequate onsite firefighting water supply where there are deficiencies in the network or additional capacity is required.
340. NZTA (s112.140) generally supports this policy in that it addresses the need for development to be consistent with the capacity of the existing infrastructure network, specifically low impact approaches to stormwater. The policy should however require consideration of whether any upgrades will be required.

MRZ-P11 Ensure development does not compromise existing infrastructure and transportation networks, including infrastructure capacity, or will be appropriately upgraded, and, where practicable, incorporates low impact approaches to stormwater management.

341. KiwiRail (s132.122) generally support MRZ-P11 but seek amendment to this point to protect from increased flooding and erosion risk.

MRZ-P11 Ensure development does not compromise existing infrastructure networks, including infrastructure capacity, and, where practicable, incorporates low impact approaches to stormwater management that does not result in increased flooding and erosion risk.

Assessment

342. Support for the policy is acknowledged.
343. In response to NZTA, the inclusion of “transportation” networks, specifically highlights considerations related to transportation infrastructure including roads, pavements, cycle paths and crossings. I agree this is a positive inclusion for an urban area where development will require consideration of this type of infrastructure, as well as water supply, sewage systems, and utilities.
344. By ensuring that development is designed consistent with the capacity of existing infrastructure networks, the policy promotes responsible growth and development that will not overburden the existing infrastructure. The provision for upgrades to infrastructure and transportation networks, if necessary to accommodate development, emphasises the importance of ensuring that the existing infrastructure can adequately support new development or that upgrades will

be undertaken to meet the increased demand. This will be beneficial for planners, developers, and stakeholders in identifying the requirements for development in the zone. I agree with this amendment to the policy.

345. In relation to the KiwiRail submission, low-impact stormwater design aims to mitigate the adverse effects of stormwater runoff on the environment, however it is possible that it could inadvertently lead to increased flooding and erosion risk under certain circumstances. For example, improperly sized or maintained systems or incorrectly channelled runoff can erode soil, destabilize stream banks, and increase sedimentation downstream. I consider a Code of Practice document is a more appropriate means of managing this through the detailed design of systems. As such, I make no amendments to MRZ-P11 in this regard.

346. This aligns with the recommended changes to the corresponding policy in the General Residential Zone.

Recommendation

347. I recommend, for the reasons given above, that MRZ-P11 is amended as follows:

MRZ–P11 Ensure development does not compromise existing infrastructure and transportation networks, including infrastructure capacity, or will be appropriately upgraded, and, where practicable, incorporates low impact approaches to stormwater management.

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

Section 32AA Evaluation

349. The following evaluates the recommendation to amend MRZ-P11 under section 32AA of the RMA.

Effectiveness and efficiency

The amendment is clear and specific in its intent. It indicates a proactive approach to handling adverse effects on infrastructure, ensuring that they do not hinder its ongoing functioning or future improvement.

Costs and benefits

The benefits of the proposal include protection of infrastructure so that communities can rely upon it in the future and grow effectively. Whilst residential growth is enabled, it must be balanced with infrastructure capacity. Upgrades should be enabled when necessary to support the community. There are no apparent costs with the proposal.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve UFD-O1 and UFD-O7, higher

6.9.4 Matters raised by submitters – MRZ-PREC9-P1

350. NZTA (s112.142) generally supports this policy in that it considers the pedestrian traffic environment to enable people to safely walk through the parking area. However, the submitter recommends an amendment to address the safe, efficient and effective operation of the surrounding transportation network.

Enable light industrial and commercial activities in the Historic Dairy Factory Precinct that;
.... 6. maintains the safe, efficient and effective operation of the surrounding transportation network including State highways.

Assessment

351. The submission from NZTA is supported in part as the safe, efficient and effective operation of the surrounding transportation network is a valid consideration, however the reference to state highways is considered an unnecessary addition given the location and size of Precinct 9.

Recommendation

352. I recommend, for the reasons given above, that MRZ-PREC9-P1 be amended as per the following:

MRZ- PREC9-P1 Enable *light industrial and commercial activities* in the Historic Dairy Factory Precinct that:

1. are compatible with residential *amenity values*; and
2. maintains and enhances identified *historic heritage* features or protected elements; and
3. contributes to an attractive streetscape through landscaping and screening of outdoor storage; and
4. provides for a safe *pedestrian traffic environment* through the design and location of any parking areas and *vehicle access*; and
5. are of a scale that do not undermine the vibrancy and functionality of the Town Centre.
6. maintains the safe, efficient and effective operation of the surrounding transportation network

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

Section 32AA Evaluation

354. The following evaluates the recommendation to amend MRZ-PREC9-P1 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. I consider that the revised wording will better manage conflicts between the proposed precinct and anticipated activities and the safe, efficient and effective operation of the transportation network

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

Risk of acting or not acting

There is the potential for integration with the transport network and proposed activities to not be properly considered if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objectives than the notified version of the PDP.

6.9.5 Matters raised by submitters – MRZ-R6 and MRZ-R8

- 355. MoE supports this rule in part (s125.053, s125.054) but seeks amendments to remove the requirement that the education activity be undertaken in a residential unit and seeks to remove the restriction on number of children.
- 356. In relation to MRZ-R8, MoE (s125.055, s125.056) considers extensions to existing healthcare or education facilities should be a permitted activity, subject to compliance with the relevant built form standards.

Assessment

- 357. The notified rule, MRZ-R6, enables educational facilities within residential units and minor residential units for the purposes of home-based childcare services. The nature and scale of the activity is specifically managed to ensure potential adverse effects on residential amenity is managed. Beyond these levels, a resource consent process is then required.
- 358. This aligns with the direction in MRZ-P7 to enable select small-scale non-residential activities which meet specified criteria; and for activities beyond these to be allowed where they meet the criteria in MRZ-P7. Where a larger facility is proposed, for example a preschool or school within the MRZ, I consider it appropriate that this is assessed through a resource consent process, in order to consider its alignment with MRZ-P7. Similarly, extensions to existing educational facilities should be managed, albeit with a more permissive activity status to acknowledge they are an existing activity within the zone. By contract, the rule amendments sought by MoE would allow for an educational facility of any scale to locate within a residential area, subject only to “general” limits on hours of operation. I do not consider that this is sufficient to ensure the policy direction is met. I consider a discretionary activity status is appropriate in the MRZ, where broad consideration of effects is, in my view, needed to consider the specifics of an activity against the policies and objectives.
- 359. Overall, I consider there is a policy pathway for educational facilities, allowing for the specific effects of these activities to be considered on a case-by-case basis. I do not consider the policy

direction to be difficult to achieve and therefore do not consider that the approach taken is unreasonable.

Recommendation

360. I recommend no changes to MRZ-R6 and MRZ-R8.

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

6.9.6 Matters raised by submitters – MRZ-R13

362. FENZ (s124.088) seek emergency service facilities are provided for in this zone as a permitted activity rather than restricted discretionary. The submitter considers that provisions within the rules of the district plan are the best way to facilitate the development of any new fire stations within the district as urban development progresses. FENZ consider that emergency service facilities should be provided for as a permitted activity, which will be subject to the performance standards within.

Assessment

363. I acknowledge the importance of emergency services facilities to the health, safety and wellbeing of people and the community. Under the PDP, Emergency Service Facilities are managed in the MRZ through a restricted discretionary activity status, rather than being permitted.

364. I do not agree with permitting emergency services facilities simply because FENZ is not a requiring authority. In my view, whether fire stations should be permitted or not should relate to the appropriateness of such an activity status in implementing the relevant policy direction and achieving the objectives for the zone. In this instance, the primary focus of the zone is for residential activities, with other compatible activities that support the wellbeing of residents also anticipated. Under MRZ-P8, emergency service facilities are provided for where they meet the criteria set. While I consider that a fire station could meet can meet this criteria (depending on circumstances), I consider the appropriate avenue to consider this is through a restricted discretionary consent pathway. This is particularly important with respect to ensuring that adverse effects on residential amenity values are appropriately avoided or minimised.

365. On this basis I recommend the submission is rejected.

Recommendation

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

6.9.7 Matters raised by submitters – MRZ-S4

367. Phil Checketts (s94.001) opposes MRZ-S4 in part, they seek the allowance for a carport or garage to locate within the setback to be amended to enable a building 8m in length as opposed to 6m.

This is because of the size of vehicles and enables space to move around a parked vehicle within the structure. The submitter further seeks an amendment to the exemption for eaves. A maximum of 350mm without the need of fire rating should be enabled, and where eaves encroach 600mm, fire rating under the NZBC is required.

368. Amend as follows:

MRZ-S4 1. (b) eaves, gutters and associated downpipes on any building may intrude into the setback by ~~a maximum of 600mm.~~ a maximum of 350mm without the need for fire rating and 600mm where there is a fire rating required under NZBC

(e) a carport or garage, either standalone or attached to the residential unit may be setback a minimum of 500mm from a side or rear boundary provided that the maximum length of the building adjacent to the property boundary ~~does not exceed 6 metres~~ not exceed 8 metres and contains no doors or windows.

369. Hamish Weir supports submission point, through (FS5.158).

Assessment

370. The assessment provided above in relation to GRZ-S5 is relevant here. For efficiency I will not repeat it. In summary, the proposed amendments would allow for a practical intrusion into the setback.

Recommendation

371. I recommend, for the reasons given above, that MRZ-S4 be amended as follows:

Any building or structure shall be setback a minimum of 1m from any side and rear boundary

Except that:

- (a) fences are permitted within the setback
- (b) eaves, gutters and associated downpipes on any *building* may intrude into the *setback* by a maximum of 600mm.
- (c) no *setback* is required for *buildings* that share a *common wall* along the *boundary*.
- (d) a carport or garage, either standalone or attached to the *residential unit* may be *setback* a minimum of 500mm from a side or rear *boundary* provided that the maximum length of the *building* adjacent to the property *boundary* does not exceed ~~6~~ 8 metres and contains no doors or windows.

Note: Eaves, gutters and associated downpipes encroaching the setbacks may result in consequential fire rating requirements under the Building Act 2004.

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

Section 32AA Evaluation

373. The following evaluates the recommendation to amend MRZ-S4 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner and will allow for greater alignment with building act requirements for fire rating.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. The proposal will align with the Building Act 2004 reducing confusion between the regulatory requirements.

Risk of acting or not acting

There is the potential for confusion for plan users over the fire rating allowances if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objective than the notified version of the PDP.

6.9.8 Matters raised by submitters – MRZ-S5

- 374. CFMA (s99.030) seek the exemption to enable a carport or garage within the setback is applied to road boundary setbacks.
- 375. Hamish Weir supports S99.030 through further submission FS5.159
- 376. FENZ (s124.097) support the proposed road setback. The proposed setback of 2.5 metres means that there will not be any increased civil costs, land parcel size or fire separation issues at the rear boundary. This supports the logistical and operational requirements of FENZ.

Assessment

- 377. Support for the standard is acknowledged.
- 378. As discussed previously, allowing garages and carports to located within the road setback is not considered to be best practice for urban design. As such, in reliance on the expert opinion I do not recommend any changes to MRZ-S5.

Recommendation

- 379. I recommend no changes to MRZ-S5.
- 380. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.10 Specific Provisions – LARGE LOT RESIDENTIAL ZONE

6.10.1 Matters raised by submitters – LLRZ-03

381. Transpower New Zealand Limited (s101.075) opposes Objective LLRZ-03, because the Objective:

(a) fails to anticipate the presence of critical infrastructure in the Zone; and

(b) has the effect of preventing critical infrastructure due to the requirement to be in keeping with the scale and intensity of development anticipated by the zone in a manner that is contrary to the NPSET.

382. The Preamble to the NPSET notes that the National Grid can create significant adverse effects and that the technical, operational and security requirements associated with the National Grid can limit the extent to which it is feasible to avoid or mitigate all adverse effects. It is these characteristics of the National Grid that the NPSET responds to. The submitter seeks LLRZ-03 is amended as follows:

LLRZ-03 Non-residential activities in the Large Lot Residential Zone are limited to those activities that provide for the health and well-being of the community or those that and preserve residential character and amenity by being in keeping with the scale and intensity of development anticipated by the zone.

383. FENZ (s124.039) support LLRZ-03 which provides for non-residential activities in the LLRZ where the activity directly provides for the health and well-being of the local community. This would include the provision of emergency service facilities. However, FENZ seek the addition of the word 'safety' to better align with section 5 of the RMA. The submitter seeks LLRZ-03 is amended as follows:

LLRZ-03 Non-residential activities in the Large Lot Residential Zone are limited to those activities that provide for the health, safety and wellbeing of the community and preserve residential character and amenity by being in keeping with the scale and intensity of development anticipated by the zone.

Assessment

384. I disagree with the proposed additional wording by Transpower. The addition would result in *any* non-residential activity, that provides for the health and well-being of the community, to locate in the LLRZ. Arguable many activities can provide for the health and well-being of the community but may not be suitable in the LLRZ, which is predominantly for residential activity. I consider the objectives in the Infrastructure Chapter, particularly INFR-O1 of the notified PDP, will provide for activities which Transpower seeks to enable in the zone.

385. The proposed change by FENZ improves the readability of the objective and aligns with Part 2, section 5¹⁸ of the RMA.

Recommendation

386. I recommend, for the reasons given above, LLRZ-O3 is amended as follows:

LLRZ-O3 Non-residential activities in the Large Lot Residential Zone are limited to those activities that provide for the health, safety and wellbeing of the community and preserve residential character and amenity by being in keeping with the scale and intensity of development anticipated by the zone.

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

Section 32AA Evaluation

388. The following evaluates the recommendation to amend LLRZ-O3 under section 32AA of the RMA.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act than the notified version of the PDP, by aligning with section 5.

6.10.2 Matters raised by submitters – LLRZ-O4

389. Transpower New Zealand Limited (s101.076) opposes Objective LLRZ-O4, because the Objective does not give effect to Policy 10 and Policy 11 of the NPSET due to the Objective directing an outcome of effects being minimised, as opposed to being avoided (insofar as the Objective relates to the National Grid). Further, it is possible that this Objective is inconsistent with, or in conflict with, the provisions that protect infrastructure in the Infrastructure Chapter.

Amend Objective LLRZ-O4 as follows:

LLRZ-O4 Development is provided with appropriate infrastructure and adverse effects on infrastructure networks are managed so that the operation, maintenance, upgrade and development of the infrastructure is not compromised ~~minimised~~

¹⁸ [Resource Management Act 1991 No 69 \(as at 05 June 2024\), Public Act 5 Purpose – New Zealand Legislation](#)

390. FENZ (s124.040) support LLRZ-04 as it promotes the provision of infrastructure such as firefighting water supply within the LLRZ.
391. KiwiRail (s132.107) supports this objective which provides that development has appropriate infrastructure and adverse effects on infrastructure networks are minimized.

Assessment

392. Support for the objective is acknowledged.
393. On review of Policy 10¹⁹ and Policy 11²⁰ of the NPSET, and to better align with Objective INFR-O3 of the Infrastructure Chapter of the notified PDP, I agree with the amendment sought by Transpower. The amendment is clear and specific in its intent. It indicates a proactive approach to handling adverse effects on infrastructure, ensuring that they do not hinder its ongoing functioning or future improvement. Whilst Transpower have a focus on the National Grid, I consider all infrastructure is relevant in relation to development. This aligns with UFD-O1 encouraging the district to develop in a cohesive, compact and structured way, as infrastructure is critical to achieve this. Further, UFD-O7 which ensure urban environments are liveable, and well-designed, with adequate servicing.
394. This aligns with the assessment above in relation to GRZ-O4.

Recommendation

395. I recommend, for the reasons given above, LLRZ-O4 is amended as follows:

LLRZ-O4 Development is provided with appropriate infrastructure and adverse effects on infrastructure networks are managed so that the operation, maintenance, upgrade and development of the infrastructure is not compromised ~~minimised~~

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

Section 32AA Evaluation

397. The following evaluates the recommendation to amend LLRZ-O4 under section 32AA of the RMA.

¹⁹ NPSET: POLICY 10: In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.

²⁰NPSET: POLICY 11: Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).

Effectiveness and efficiency

The amendment is clear and specific in its intent. It indicates a proactive approach to handling adverse effects on infrastructure, ensuring that they do not hinder its ongoing functioning or future improvement.

Costs and benefits

The benefits of the proposal include protection of infrastructure so that communities can rely upon it in the future and grow effectively. Whilst residential growth is enabled, it must be balanced with infrastructure capacity. Upgrades should be enabled when necessary to support the community. There are no apparent costs with the proposal.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve UFD-O1 and UFD-O7, higher order documents (NPSET) and the purpose of the Act.

6.10.3 Matters raised by submitters – LLRZ-P2

398. KiwiRail (s132) generally supports LLRZ-P2 which requires activities to be self-sufficient and ensure appropriate on-site service provision are provided where reticulated services are not available. In particular, KiwiRail supports point 1 that relates to the method of stormwater treatment and disposal. KiwiRail seek an amendment to this point to protect from increased flooding and erosion risk.

Amend LLRZ-P2 as follows:

Where reticulated services are not available, require activities to be self-sufficient and ensure appropriate on-site service provisions is provided, having particular regard to:

1. the method of sewage and stormwater treatment and disposal that does not result in increased flooding and erosion risk....

399. Hamish Weir (FS139.067) has further submitted in opposition of this submission point.
400. SDC (s146) supports that LLRZ-P2 which may help reduce the financial burden on GDC but increases potential issues with sewage. LLRZ is both expansive in area and expensive for councils to keep and may not be suited to taking up highly productive land, or, as found on the edge of Gore District may be best suited for GRZ use, mainly as it takes up high ground next to the town. The submitter seeks the issues associated with increased onsite sewage provisions is reviewed.

Assessment

401. Low-impact stormwater design aims to mitigate the adverse effects of stormwater runoff on the environment, however it is possible that it could inadvertently lead to increased flooding and erosion risk under certain circumstances. For example, improperly sized or maintained systems or incorrectly channelised runoff can erode soil, destabilize stream banks, and increase sedimentation downstream. I consider a Code of Practice document is a more appropriate

means of managing this through the detailed design of systems. As such, I make no amendments to GRZ-P7 in this regard.

402. Similarly in relation to the submission from SDC, onsite disposal systems are designed by suitably qualified personnel and can respond to specific site constraints. Although the minimum lot size of the LLRZ is 2000m², it is likely that lots within the zone may be larger, to respond to topography. The ODP currently limits sites within the Residential A zone that cannot connect to reticulated wastewater services to 2000m².

Recommendation

403. I recommend, for the reasons given above, no changes to LLRZ-P2.
404. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.10.4 Matters raised by submitters – LLRZ-P3

405. Hokonui Rūnanga Inc (s139.067) oppose clause 4 of LLRZ-P3 as currently written as it is too ambiguous. They seek it is amended as follows:

LLRZ-P3 Require development to be of a height and bulk, and have sufficient setbacks and open space to: ...

~~4. respond to the underlying relationship Ngāi Tahu hold with the natural environment, including those listed in MW2.3.~~ maintain greenspace, natural drainage patterns and riparian margins ...

Assessment

406. I accept the proposed wording from the submitter if it is preferential to Hokonui Rūnanga Inc. to describe their aspirations under this policy.
407. The amendment is supported.

Recommendation

408. I recommend, for the reasons given above, that LLRZ-P3 is amended as follows:

LLRZ-P3 Require development to be of a height and bulk, and have sufficient setbacks and open space to: ...

~~4. respond to the underlying relationship Ngāi Tahu hold with the natural environment, including those listed in MW2.3.~~ maintain greenspace, natural drainage patterns and riparian margins ...

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

Section 32AA Evaluation

410. The following evaluates the recommendation to amend LLRZ-P2 under section 32AA of the RMA.

Costs and benefits

The proposed amendment reduces risk of confusion and provides increased clarity for Plan users. There are no apparent costs with the proposal.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objective LLRZ-O2 than the notified version of the PDP.

6.10.5 Matters raised by submitters – LLRZ-P6

411. MoE (s125.041) supports LLRZ-P6 in principle, however, seeks an amendment to align the word with what is used in the strategic directions of the PDP and the National Planning Standards. It is also a quantifiable and qualifiable measure.

Amend as follows:

Allow healthcare activities, education facilities, retirement villages and community facilities where they:

1. have a functional and compelling operational need to locate within a Large Lot Residential Zone; or (...)

Assessment

412. I agree that as the word 'operational' is defined in the plan, it's inclusion in the policy will help guide decision makers. The original drafting utilising the word 'compelling' was to ensure that the activities still complimented the character and amenity of the large lot zone is maintained. Therefore, matters such as scale, design, transport provision and services are important and applicable matters in the policy. I therefore recommend the policy is amended as follow:

1. have a functional and compelling operational need to locate within a Large Lot Residential Zone; ~~or-and~~ (...)

Recommendation

413. I recommend, for the reasons given above, that LLRZ-P6 is amended as follows:

LLRZ-P6 *Allow healthcare activities, educational facilities, retirement villages and community facilities where they:*

1. have a functional and compelling operational need to locate within a Large Lot Residential Zone; ~~or-and~~

2. avoid any adverse *effects* on the residential *amenity values* of adjoining residential properties and the surrounding area; and
3. contribute to the health and wellbeing well-being of people in the surrounding area; and
4. are of a scale and design that maintains the character of the surrounding area; and
5. provide adequate transport provision to maintain *road* safety and efficiency; and
6. are adequately serviced.

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

Section 32AA Evaluation

415. The following evaluates the recommendation to amend LLRZ-P6 under section 32AA of the RMA

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The policy as amended better achieves LLRZ-O2 and LLRZ-O3. The benefits of the proposal are that should the non-residential activities stated in the policy locate in the LLRZ they must avoid adverse effects on residential amenity. It is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner.

The proposed amendment is considered to be a more appropriate way to achieve the Objectives of the LLRZ than the notified version of the PDP.

6.10.6 Matters raised by submitters – LLRZ-P8

416. Transpower (s101.077) oppose Policy LLRZ-P8 on the basis that the Policy has the potential to prevent the upgrade and development of the National Grid in the LLRZ because the Policy includes a requirement to 'avoid'. Transpower considers that expression in this Policy does not give effect to the NPSET or the SRPS.

Transpower seek the Policy is amended as follows:

Avoid activities that are incompatible with the character, qualities and purpose of the Large Lot Residential Zone except where the activity is critical infrastructure that has a functional need or operational need for its location.

Assessment

417. As discussed above in relation to the GRZ, I support the inclusion of critical infrastructure in the policy and consider it is important for it to be qualified with the inclusion of 'functional and operational need'. This is because not all infrastructure has a functional or operational need to locate in the LLRZ.

Recommendation

418. I recommend, for the reasons given above, that LLRZ-P8 is amended as follows:

LLRZ-P8 Avoid activities that are incompatible with the character, qualities and purpose of the Large Lot Residential Zone except where the activity is critical infrastructure that has a functional need or operational need for its location.

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

Section 32AA Evaluation

420. The following evaluates the recommendation to amend LLRZ-P8 under section 32AA of the RMA.

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. I do not consider there are any costs associated with the proposed amendment.

The amended policy better aligns with UFD-O1 and UFD-O7 in relation to urban environments and infrastructure. I further consider the amendment aligns with the Energy and Infrastructure chapters, specifically INFR-O3, INFR-P6, ENRG-O4 and ENRG-P8.

6.10.7 Matters raised by submitters – LLRZ-R6 – Educational Facilities

421. MoE (s125.042, s125.043) supports this rule in part but seeks amendment to remove the requirement that the education activity must be undertaken in a residential unit and seeks to remove the restriction on number of children. Where compliance with the conditions cannot be achieved MoE seek a restricted discretionary activity status.

Assessment

422. The notified rule, LLRZ-R6 enables educational facilities within residential units and minor residential units for the purposes of home-based childcare services. The nature and scale of the activity is specifically managed to ensure potential adverse effects on residential amenity is managed. Beyond these levels, a resource consent process is then required. This aligns with the direction in LLRZ-P6 where activities beyond the permitted conditions must meet certain criteria. Where a larger facility is proposed, for example a preschool or school within the LLRZ, I consider it appropriate that this is assessed through a resource consent process, in order to consider its alignment with LLRZ-P6. By contract, the rule amendments sought by MoE would allow for an educational facility of any scale to locate within a residential area, subject only to “general” limits on hours of operation. I do not consider that this is sufficient to ensure the policy direction is met. I consider a discretionary activity status is appropriate in the LLRZ, where broad consideration of effects is, in my view, needed to consider the specifics of an activity against the policies and objectives.

423. Overall, I consider there is a policy pathway for educational facilities, allowing for the specific effects of these activities to be considered on a case-by-case basis. Careful consideration of these activities is required in order to maintain the low density, semi-urban character of LLRZ.

Recommendation

424. I recommend, for the reasons given above, no changes to the LLRZ-R6.
425. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.10.8 Matters raised by submitters – LLRZ-R9

426. FENZ (s124.047) request emergency service facilities are removed from the rule and a new provision (s124.318) for emergency service facilities is included as a permitted activity.

Assessment

427. Emergency service facilities are not provided for within LLRZ-R9. This is because the intent of the LLRZ is to provide an opportunity for people to enjoy a spacious living environment while being close to an urban centre. The LLRZ is typically located on the fringe of urban areas and provides a transition to the surrounding rural area. As such, it is not remote and is in proximity to services provided for in the urban centres of Gore and Mataura. This includes existing emergency service facilities within the centres or potential new facilities.
428. LLRZ-O2 provides for a retention of open space and semi-urban character creating a high-amenity living environment. I do not consider emergency service facilities align with the outcomes sought for the zone. As mentioned above, the locations of the LLRZ are not particularly remote and so the services provided by emergency service facilities would be available without needing to locate within the zone.

Recommendation

429. I recommend, no changes to LLRZ-R9.
430. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.10.9 Matters raised by submitters – LLRZ-S1 – Density

431. Brett Highsted (s52.03) Nicky Highsted (s76.01) oppose the proposed density as 20 Eversfield Rise is 6,976m² and is therefore smaller than the permitted density. An inability to construct a dwelling on this lot is inefficient land use and the lot then has no economic purpose.
432. The submitter notes that the proposed standard significantly devalues the property and contradicts the approved subdivision. Several lots in this area are smaller and councils' own records reflect the approved lot size in the subdivision. The size of 8,000m² appears to be an oversight. The neighbours' group feedback sought to clarify that farming practices be permitted

and did not promote the shift from 2,000m² to 8,000m². An inability to construct a dwelling on this lot is inefficient land use and the lot then has no economic purpose. Minor residential units is supported as housing becomes less affordable.

Amend as follows:

PREC12-Eversfield Precinct: There shall be no more than one residential unit per ~~8000m²~~
5,900m²

433. Hamish Weir (FS5.139) further supports the submission point from Brett Highsted.

Assessment

434. Through the draft district plan process, feedback was received from multiple owners within the Eversfield Rise subdivision seeking a Rural Lifestyle zoning. The density in the RLZ is 1 hectare. The Eversfield Precinct was proposed to recognise and protect the existing development pattern of larger lots in this residential area, and to continue to provide for low impact *agricultural activities* employed to maintain the land. The proposed density achieves a balance between the LLRZ density of 2000m² and RLZ density of 1 hectare. The objectives and policy framework support this and the larger lot sizes justify the permitted low impact agricultural activities.

435. I agree that each lot in the precinct should be enabled to contain a residential unit and a minor unit per residential unit. However, I do not consider the density change proposed by the submitter is the most effective way to achieve this. Instead I recommend an additional clause to enable one residential unit on lots under 8000m² and a clause to clearly enable minor residential units in the precinct.

Recommendation

436. I recommend, for the reasons given above, that LLRZ-S1 is amended as follows:

LLRZ-S1: PREC12-Eversfield Precinct:

There shall be no more than one residential unit per 8000m²

For sites under 8000m², no more than one residential unit per site; and

There shall be a maximum density of one minor residential unit per residential unit.

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

Section 32AA Evaluation

438. The following evaluates the recommendation to amend LLRZ-S1 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The additional clauses removed any ambiguity as the density anticipated in the zone.

Costs and benefits

The benefits of the proposal are that it is clear that's lots less than 8000m² may contain one residential unit. Minor residential units are further enabled, to provide for persons social and economic wellbeing. There are no apparent costs with the proposal.

Risk of acting or not acting

There is the potential for existing lots less than 8000m² to require resource consent to construct a residential unit on the property. This was not the intent of the rule.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the LLRZ-O1 and LLRZ-PREC12-O1, as well as UFD-O2 than the notified version of the PDP.

6.10.10 Matters raised by submitters – LLRZ-S2 – Servicing

439. Phil Checketts (s94.002) seek an amendment to LLRZ-S2 in part and seek the 45,000L requirement for potable water onsite is reduced to 44,000L given houses with a floor area less than 200m² require less potable water for firefighting. Hamish Weir (FS5.141) supports while FENZ (FS16.002) oppose this submission.

Amend LLRZ-S2 as follows:

- 3(c) store ~~45,000 litres~~ 44,000 litres of potable water on-site from another source.

Assessment

440. As outlined within Section 6.8.10 of this report, the servicing standard is proposed to be amended to remove the requirement of providing a specific capacity. For efficient the assessment and Section 32AA has not been repeated here.

Recommendation

441. I recommend minor changes to standards LLR-S2 to remove reference to a set capacity of onsite potable water.

3. Where Council reticulated water supply is unavailable, any residential unit and buildings for non-residential activities must:

(d) be connected to a community drinking water supply; or

(e) be connected to a private drinking water supply; or

(f) provide ~~store 45,000 litres of~~ potable water on-site from another source.

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

6.10.11 Matters raised by submitters – LLRZ-S9

443. Nigel Cowburn (s152.010) requests prescriptive permeability controls, specifically the porous asphalt requirement. Porous asphalt is a key intervention to reduce stormwater issues in an urban or intensely developed area, but rules need to be prescriptive to function well.

Assessment

444. The purpose of this standard is two-fold. The standard achieves open space in the zone, which must be grassed or planted in trees or shrubs. This aligns with LLRZ-P3 and LLRZ-O2 which seeks a high amenity living environment. Secondly, landscape permeable areas assist in stormwater management. Whilst porous asphalt would also assist in stormwater management, and reduce stormwater issues in the district, inclusion of this in the standard would not achieve the desired amenity. The standard aims to reduce the visual effects of hard surfacing. I therefore recommend no changes to LLRZ-S9.

Recommendation

445. I recommend no changes to LLRZ-S9.
446. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.11 Specific Provisions – Gore West Residential Development Area

6.11.1 Matters raised by submitters – DEV2-ODP & Overview and Purpose

447. NZTA (s112.174) Charlton Rise Ltd (s100.035) and Dwayne Smith (s5.001) support the DEV2 Outline Development Plan as drafted.
448. ES (s85.310) oppose the DEV2 Outline Development Plan and the development area zoning (s85.047). They seek that the GRZ is altered to align with the hazard overlay and that no further development is enabled in the area. ES (s85.302) seek that DEV2 is removed from the plan until detailed investigations have been undertaken regarding hazard risk. ES (s85.308) further seek an additional provision stating all development is non-complying until detailed investigation had been undertaken.
449. Charlton Rise Ltd (FS6.1 and FS6.2) oppose the submissions points from ES. The Outline Development Plan includes areas identified as Hazard 1 or 2. These areas have been informed by initial geotechnical investigations over the site. The policies, in particular DEV2-P3 and DEV2-P5, require consideration of the already identified hazard, including 'requiring further assessments by a suitably qualified and experienced geotechnical professional and appropriate geotechnical data' and proposing techniques for remediation and/or mitigation which are achievable. This identification of the hazard on the ODP and the policy direction is considered

sufficient to address the hazard and will require assessments to be undertaken prior to development being undertaken.

450. Charlton Rise Ltd (FS6.8) also oppose the additional provision for non-complying development submission point from ES. The further submission argues that no new provision is suggested within the submission and the submission appears to refer to an existing provision which is too enabling without providing any specific reference. If it is taken that the submitter considers all provisions relating to the Gore West Development Area are too permissive and that any development within this area should be non-complying, Charlton Rise notes the following points:
- a. Only part of the Outline Development Plan area is identified as being subject to historic mining. This area has been determined and the extents identified through geotechnical assessments. The remainder of the Outline Development Plan area is not subject to historic mining activity and as the identified hazard is at the western extent of the site there is no reason relating to this identified hazard that development of the eastern half of the Outline Development Plan area, which adjoins the existing Gore urban area, could not take place.
 - b. The hazard areas are identified on the Outline Development Plan and the provisions of the draft District Plan require further assessments to be undertaken before this area is subdivided or developed, including in relation to earthworks and land disturbance.
451. Transpower (s101.097) seeks amendments to the Outline Development Plan to exclude the area of land that is in the National Grid Yard. Transpower (s101.099) also seek that the planning map is amended to exclude the area of land that is in the National Grid Yard. While Transpower does not oppose the wider development of the Gore West Residential Development Area, Transpower does not support the Outline Development Plan on the basis that the Plan does not identify the National Grid, National Grid Yard or National Grid Subdivision Corridor, and does not reflect constraints to the development of the area as a consequence of the presence of the National Grid. Transpower considers that the land in the vicinity of the National Grid within the Outline Development Plan Area is not realistically available to accommodate urban or semi urban development. As such, rezoning land in the vicinity of the National Grid to accommodate such development gives rise to misleading expectations and does not give effect to the NPSET does not represent an efficient, effective or appropriate approach to achieving objectives of the Proposed District Plan.
452. Nigel Cowburn (s152.014) has a general submission on the Development zone chapter and requests that stormwater servicing adopts a best management approach including SuDS or Sponge City.

Assessment

453. Support for the Outline Development Plan is acknowledged.
454. In relation to ES, I disagree with the submission points and relief sought. Analysis of suitable greenfield land for residential development was undertaken through the drafting of the plan

and I outline in the Residential Section 32 report²¹. Gore West was considered suitable for general residential development due to its proximity to the Town Centre and Reaby Road, along with existing infrastructure connections. It also falls outside areas identified with class 1 or 2 soils and is not subject to significant flooding. The historic mines (known as Greens No.1 and No.2 mines) on the site were identified and a geotechnical report²² provided to determine the level of development suitable in the area. The geotechnical report contained recommendations which have been incorporated through the Outline Development Plan design and the provisions that accompany the Chapter.

455. The following recommendations were recommended by the geotechnical report:

- a. The area directly above the mine should not be developed.
- b. An exclusion zone is recommended around the mine. Development should not be undertaken inside this zone.
- c. The area to the south of the mine exclusion zone, and south of the fault, should not be subject to intensive development unless detailed intrusive investigations are completed. Individual building platforms are likely to be appropriate in this area however should be subject to specific investigation.

456. The Outline Development Plan contains two Hazard Overlay Areas (see Figure 8 below). Hazard Area 1 has known mines, whereas Hazard Area 2 has a possible mined area. Development within these areas will not be appropriate without further intrusive investigations being completed and appropriate geotechnical data provided to support such development. The objectives, policies and rule of the zone (including subdivision rules) reflect this. DEV2-P3 and Dev2-P5 specifically guide development in these areas:

DEV2-P3 In Hazard Area 1, recognise the benefits of clustering residential development in areas identified as appropriate by geotechnical testing, and require, where necessary building platforms to distinguish the extent of these areas, in order to avoid the historic mining hazard.

DEV2-P5 Ensure *subdivision*, development and activities, including earthworks, proposed within Hazard Area 1 and Hazard Area 2 incorporates:

1. an assessment by a suitably qualified and experienced geotechnical professional and appropriate geotechnical data; and
2. techniques proposed for remediation and/or mitigation of the effects of the hazard identified are reasonably achievable; and
3. a siting and layout plan that adequately avoids or mitigates adverse effects of the hazard identified.

457. A bespoke density rule is proposed for the RLZ within the Development Area to enable houses to be clustered on 'good ground' provided an average density is maintained.

²¹ [Section 32 Reports | Let's Talk Gore District \(goredc.govt.nz\)](#)

²² Mining Report Reaby and Terry Road Subdivision, Gore, Geosolve July 2022

458. I therefore reject the submissions from ES as the necessary work has been undertaken to demonstrate feasibility of development, or adequate management is in place through the provisions to manage the constraint. I concur with the further submissions from Charlton Rise Ltd.

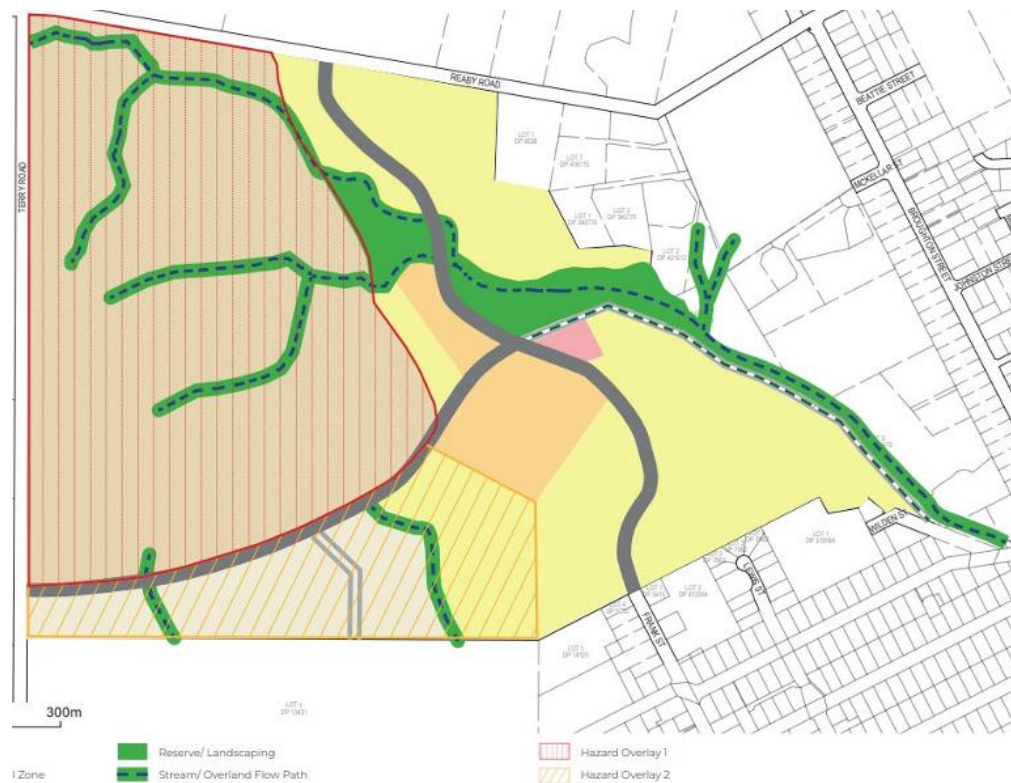


Figure 8: Proposed Outline Development Plan for West Gore Development Area

459. In relation to Transpower, the National Grid is located along the western boundary of the Development Area. A High Voltage Powerline also dissects the site as per the image below.

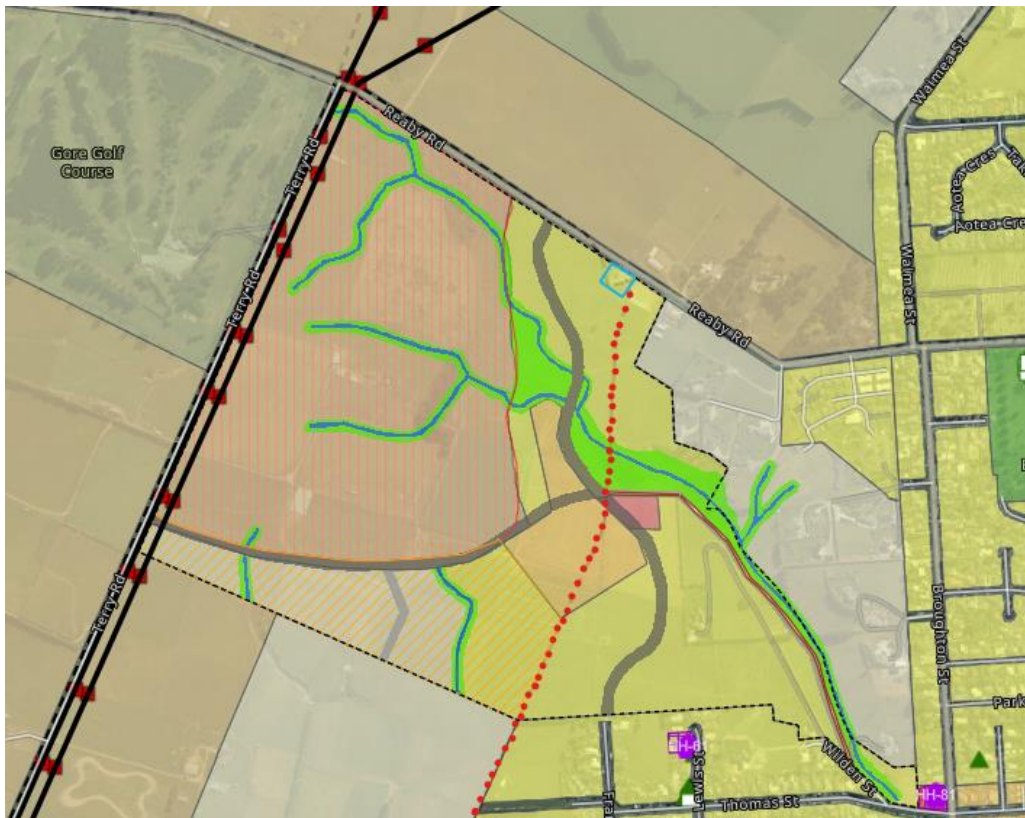


Figure 9: Development Area showing National Grid (red and black lines on west boundary) and High Voltage Powerlines (red dots dissecting site)

460. I consider the National Grid can be accommodated and designed around for future development as it is located along the boundary of the site. The Infrastructure Chapter further contains provisions to protect the National Grid Yard (INFR-R7) which will apply to development. There are further mechanisms which can be used through the consenting process to ensure development does not negatively affect the infrastructure. This includes consent notices or covenants.
461. In relation to the submission from Nigel Cowburn and stormwater management, the submitter cites 'Sponge City' policies, a concept which originated in China. Sponge city policies focus on using natural systems to manage urban stormwater and reduce flooding. Principles of sustainable urban water management are increasingly being considered and applied in New Zealand.
462. Key initiatives and approaches that align with Sponge city principles include:
- a. Low Impact Development: Encouraging the use of Low Impact Development techniques such as green roofs, permeable pavements, rain gardens, and swales to reduce stormwater runoff and improve water quality.
 - b. Natural Infrastructure: Promoting the use of natural infrastructure, such as wetlands and natural waterways, for stormwater management and flood attenuation.
 - c. Water Sensitive Urban Design: Incorporating Water Sensitive Urban Design principles into urban planning and development to integrate water management into the built environment in a sustainable and environmentally friendly manner.

- d. Policy and Guidelines: Developing policies, guidelines, and best practices that support sustainable stormwater management and encourage the use of green infrastructure.
- 463. The Outline Development Plan identifies an integrated open space area throughout the Development Area. This area will be for the dual purpose of recreation and stormwater management. This area will have a significant role to play in providing for the overall stormwater conveyance and treatment system for the area.
- 464. Stormwater will be managed within the development site and is expected to ensure downstream flooding from the Council's Primary *Stormwater* and *Wastewater* network in a 20% AEP rainfall event is not increased, and downstream flooding of private property in a 1% AEP rainfall event is not increased.
- 465. The Objectives and policies reflect this intension. For example, Objective 1 requires that "development is integrated with the area's topography and natural drainage channels" and "*Stormwater* is managed to improve downstream effects". Policy DEV2-P4 also requires efficient and sustainable stormwater control and disposal systems to be designed and installed at the time of subdivision and development, that incorporates low impact design principles, utilising the natural contours of the land where possible, that are sufficient for the amount and rate of anticipated runoff, in accordance with Council's standards; and mitigates the effects of development on-site using stormwater management areas to avoid inundation within the subdivision or on adjoining land.
- 466. I consider the provisions are clear in terms of the expectation of stormwater management and achieve the relief sought by the submitter.

Recommendation

- 467. I recommend, for the reasons given above, no changes to the DEV2 Overview and Purpose and Outline Development Plan.
- 468. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.11.2 Matters raised by submitters – DEV2-O1

- 469. FENZ (s124.314) and Charlton Rise Ltd (s100.026) support DEV-O1 as drafted and seek it is retained as notified.
- 470. ES (s85.303) oppose DEV2-O1 and seek that it is reworded to prevent development from occurring. The objective does not outline management of hazard risk (only natural hazards such as inundation).
- 471. Charlton Rise Ltd (FS6.3) oppose this submission as the reasons given for the submission point to management of hazards. The submitter suggest adding the following to the objective:

8. Adverse effects of historic mining hazards are avoided, remedied or mitigated.
- 472. Forest and Bird (s110.085) seek DEV-O1 is amended to include ecological corridors. By increasing residential density of an area, there is a risk that ecological corridors that currently exist could

become disjointed, and/or there may be environmental effects. Adding their consideration to this objective ensures they are taken into account.

8. Ecological corridors remain intact and there are no adverse environmental effects.

473. MoE (s125.096, s125.097) supports the objective in principle but seeks the following amendments:

Development occurs in the Gore West Residential Development Area in a comprehensive manner that ensures: (...)

6. Adverse effects of natural hazards are avoided or mitigated; ~~and~~

7. Stormwater is managed to improve downstream effects; and

8. The growth and development is supported by social infrastructure.

Assessment

474. Support for DEV-O1 as drafted is acknowledged.

475. I agree with Charlton Rise Ltd that the objective does not need to be re-worded to prevent development if the concern is acknowledging the historic mining risk. I consider the proposed wording from Charlton Rise Ltd is a necessary addition to the policy and should address the reasoning provided by ES for their opposition to the Objective.

476. Forest & Bird (s110.084) seek to an amendment to ensure activities do not cause an adverse effect on ecological corridors. I consider the management of indigenous vegetation and ecology is a District Wide matter. The ECO Chapter has appropriate provisions to protect it from inappropriate disturbance or clearance through rules, matters of discretion and a policy framework. It is unclear whether there are ecological corridors located across the Development Area as the submitter has not provided any maps showing the locations of proposed ecological corridors. It would be unreasonable for Plan users to be required to obtain an assessment of the impact on ecological corridors if it is unclear whether these apply to the subject site. Such an approach would require an ecological assessment with no guidance in the PDP of the matters to be considered. On this basis, I reject the submission point.

477. In relation to the MoE submission points, the 'Ready for Tomorrow' Spatial Plan²³ identified 412 hectares of land for residential and rural residential growth. The document states:

"At the time of drafting this strategy, the Ministry of Education signalled that the existing schools have capacity to accommodate the further growth anticipated. Sufficient space exists at primary and secondary levels in existing classes without the need for expansion while recognising that ongoing monitoring of demand will be required to accommodate future growth. Should

²³ [2019-05 Gore District Spatial Plan.pdf \(goredc.govt.nz\)](#)

additional classrooms be required in the future, there is also land available on a number of school sites."²⁴

478. Following additional work²⁵ to understand the level of growth actually anticipated in the district, a much smaller extent has been identified for greenfield development. As such, based on the previous consultation with MoE regarding the capacity of the schools in Gore, I do not consider the additional policy wording is necessary.

Recommendation

479. I recommend, for the reasons given above, that DEV2-O1 is amended as follows:

DEV2-O1 Development occurs in the Gore West Residential Development Area in a comprehensive manner that ensures:

1. Efficient provision of suburban residential development, that results in a range of housing typologies and allotment sizes;
2. A centrally located, well connected neighbourhood centre;
3. Development is integrated and coordinated with *infrastructure*;
4. Road and pedestrian networks are efficient, connected and safe;
5. The development is integrated with the area's topography and natural drainage channels;
6. Adverse effects of natural hazards are avoided or mitigated; ~~and~~
7. *Stormwater* is managed to improve downstream effects, and
8. adverse effects of historic mining hazards are avoided, remedied or mitigated.

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

Section 32AA Evaluation

481. The following evaluates the recommendation to amend DEV2-O1 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The proposed wording addition reinforces the purpose of the Hazard overlays and the intended outcomes for those areas.

²⁴ [2019-05 Gore District Spatial Plan.pdf \(goredc.govt.nz\)](#) Page 26

²⁵ Gore District Plan Review – Economic and population growth analysis, The Property Group October 2021 and Gore District Plan Review – Planning for growth, The Property Group June 2022

Costs and benefits

The benefits of the proposal are that it is clear to decision makers and users of the plans that the rules relating to the Hazard Areas are provided with a logical policy framework. DEV2-P3 and DEV2-P5 will give effect to the amended Objective. There are no apparent costs with the proposal.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act than the notified version of the PDP.

6.11.3 Matters raised by submitters – DEV2- P1, DEV2-P2, DEV2-P3

482. Charlton Rise Ltd (s100.027) support DEV2-P1 and seek it is retained as drafted. Charlton Rise Ltd (s100.028, s100.029) further support DEV2-P2 and DEV2-P3 and seek they are retained as notified.
483. ES (s85.304) opposes DEV2-P1 and seek it is reworded to prevent development occurring. The policy does not outline management of hazard risk (only natural hazards such as inundation). Charlton Rise Limited (FS6.4) have further submitted against ES. The further submitter considers the reasoning given by ES does not justify rewording the policy to 'prevent development'. Policy DEV2-P1 does not reference hazards and refers instead to development being undertaken in accordance with the Outline Development Plan. The Outline Development Plan identifies areas as being Hazard 1 and 2. As such, the reasoning given by the submitter for preventing development occurring under this policy do not relate to the policy itself.
484. ES (s85.305) oppose DEV2-P2 stating it is too enabling and should prevent any further development occurring. Charlton Rise Limited (FS6.5) have further submitted against ES. The further submitter states Policy DEV-P2 is considered a well written policy that requires subdivision, development and activities to be designed and located to provide a well-functioning rural lifestyle or residential area (depending on the area of the Outline Development Plan being developed) and requiring consideration of a wide range of matters. The policy is not considered enabling.
485. Charlton Rise Limited (FS6.5) further note that clause 6 of DEV2-P2 should state 'the avoidance OR mitigation of natural hazards' rather than 'avoidance AND mitigation'. Where hazards can be mitigated it is not necessary to avoid them. Avoid is an extremely restrictive word and could prevent development in areas where hazards can be successfully mitigated.
486. Forest and Bird (s110.086) seek amendments to DEV2-P2 to include: 7. The avoidance and mitigation of impacts on indigenous biodiversity and ecological corridors.
487. MOE (s125.098) support in part DEV2-P2 and seek the following inclusion:

DEV2-P2 Require subdivision, development and activities to be designed and located in general accordance with the Outline Development Plan that delivers: (...)

6. The avoidance and mitigation of natural hazards; ~~and~~

7. Stormwater management that improves downstream effects; and

8. The growth and development is supported by social infrastructure

Assessment

488. Support from Charlton Rise Ltd for DEV2-P1, DEV2-P2 and DEV2-P3 is acknowledged.
489. In relation to ES, I agree with the further submitter (Charlton Rise Ltd) that the reasons provided by ES do not justify rewording the policy to 'prevent development'. The Outline Development Plan identifies Hazard Areas and additional policies are proposed to manage development in these areas. I therefore reject the submission from ES.
490. I consider the point raised by Charlton Rise Ltd (FS6.5) relating to clause 6 of DEV2-P2 is valid in relation to natural hazards and whether they can be avoided or mitigated rather than both. I agree that if a hazard can be mitigated, it does not need to be avoided. I recommend the policy is amended in this regard.
491. For the reasons discussed above the submission point from Forest and Bird is rejected. I consider the management of indigenous vegetation and ecology is a District Wide matter. The ECO Chapter has appropriate provisions to protect it from inappropriate disturbance or clearance through rules, matters of discretion and a policy framework. It is unclear whether there are ecological corridors located across the Development Area as the submitter has not provided any maps showing the locations of proposed ecological corridors.
492. Similarly, for the reasons provided above I reject the proposed amendment from MoE. Based on the previous consultation with MoE in relation the Spatial Plan, and the extent of growth anticipated in the district, I do not consider the proposed amendments are necessary.

Recommendation

493. I recommend, for the reasons given above, DEV2-P2 is amended as follows:

DEV2-P2 Require *subdivision*, development and activities to be designed and located in general accordance with the Outline Development Plan that delivers:

1. A suburban residential development that provides a range of housing typologies and allotment sizes;
2. A centrally located, well connected neighbourhood centre;
3. Development that is integrated and coordinated with *infrastructure*, ensuring Council's existing network can support the proposed development capacity;
4. Roading and pedestrian networks that are efficient, connected and safe;
5. Integration with topography and natural drainage channels;
6. The avoidance ~~and-or~~ mitigation of natural hazards; and
7. *Stormwater* management that improves downstream effects.

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

Section 32AA Evaluation

495. The following evaluates the recommendation to amend DEV2-P2 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The amendment is a logical change in terms of managing natural hazards.

Costs and benefits

The benefits of the proposal are that it is clear what is required for those developing the area. There are no apparent costs with the proposal as if a hazard can be mitigated the risk is lessened to an acceptable degree and therefore it does not need to be avoided.

Risk of acting or not acting

There is the potential for confusion if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objective DEV2-O1 and purpose of the Act in relation to natural hazards, than the notified version of the PDP.

6.11.4 Matters raised by submitters – DEV2- P4 and DEV2- P5

496. Charlton Rise Ltd (s100.030) supports in part DEV2-P4 and seeks the policy is amended. The wording change is proposed as 'efficient and sustainable' are challenging to measure. The suggested wording achieves the intent of the notified Policy 4.

DEV2-P4- Require ~~efficient and sustainable~~ stormwater management and conveyance control and disposal systems to be designed and installed in accordance with Councils standards at the time of subdivision and development that:

~~1. incorporates low impact design principles, utilising the natural contours of the land where possible, that are sufficient for the amount and rate of anticipated runoff, in accordance with Council's standards; and~~

~~2. mitigates the effects of development on-site using stormwater management areas to avoid inundation within the subdivision or on adjoining land.~~

1. mitigates the effects of stormwater resulting from development on-site using stormwater management area to prevent uncontrolled inundation within the subdivision and avoid increasing inundation on adjoining and downstream land and;

2. where practical incorporates low impact design principles and the natural contours of the land

497. Charlton Rise Ltd (s100.031) supports DEV2-P5 and seeks it is retained as notified.
498. ES (s85.306) oppose DEV-P5 and state it should be re-written to further development occurring as its too enabling and defers assessment, risk and liability to a future owner. Charlton Rise Ltd (FS6.6) have further submitted in opposition to ES, the policy wording is not considered to be enabling.

Assessment

499. In relation to DEV2-P4 I consider the proposed wording does not change the intent of the policy. The policy continues to require low impact design principles utilising the natural contours of the land, where practical. The effects of stormwater must be managed to avoid increasing inundation on adjoining and downstream land.
500. Support for DEV2-P5 from Charlton Rise Ltd is acknowledged.
501. In relation to the submission from ES, the policy wording of DEV2-P5 is not considered to be too enabling. The policy requires:
- a. Assessments by a suitably qualified and experienced geotechnical professional and appropriate geotechnical data, and
 - b. Techniques that are 'reasonably achievable' to remediate or mitigate the effects of the hazard, and
 - c. A siting and layout plan that adequately avoids or mitigates adverse effects of the hazard identified.
502. I agree with Charlton Rise Ltd that this is a comprehensively worded policy that addresses an identified hazard within specific areas of the Outline Development Plan and requires development to be undertaken in accordance with these requirements. Suggesting that all development should be prevented in the Outline Development Plan area is not an efficient use of land.

Recommendation

503. I recommend, for the reasons given above, that DEV2-P4 is amended as follows:

DEV2-P4 Require ~~efficient and sustainable~~ stormwater management and conveyance control and disposal systems to be designed and installed in accordance with Councils standards at the time of subdivision and development that:

~~1. incorporates low impact design principles, utilising the natural contours of the land where possible, that are sufficient for the amount and rate of anticipated runoff, in accordance with Council's standards; and~~

~~2. mitigates the effects of development on-site using stormwater management areas to avoid inundation within the subdivision or on adjoining land.~~

1. mitigates the effects of stormwater resulting from development on-site using stormwater management area to prevent uncontrolled inundation within the subdivision and avoid increasing inundation on adjoining and downstream land and;

2. where practical incorporates low impact design principles and the natural contours of the land

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

Section 32AA Evaluation

505. The following evaluates the recommendation to amend DEV2-P4 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The proposed wording amendment can be consistently implemented.

Costs and benefits

The benefits of the proposal are that the outcome in relation to stormwater is clear and measurable. There are no apparent costs with the proposal as the policy intent remains the same.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objective DEV2-O1 than the notified version of the PDP.

6.11.5 Matters raised by submitters – DEV2- R1, DEV2-R2

506. Charlton Rise Ltd (s100.032) oppose in part DEV2-R1 and seek clarification on what constitutes 'undeveloped'. The submitter questions, if one house is located within one of the Residential or Neighbourhood Centre Zones is all primary production non-complying. This rule is unclear and might benefit from an explanation. There must be an expectation for primary production for land management purposes while development is in its early stages.
507. Charlton Rise Ltd (s100.033) support in part DEV2-R2 but seek that the residential zone rule is amended to include 'or' instead of 'and' between 1. And 2. Buildings should be able to be constructed on the site without requiring a subdivision or land use consent if they are in accordance with the zone standards.
508. Forest and Bird (s110.088) seek amendments to DEV2 -R2 to include a 10m setback from the closest boundary of an SNA. As this development area contains waterbodies and reserve, which may potentially have (or could in future have) SNAs, the addition of this rule would ensure that buildings/structures are not established within an SNA.

All zones 1. Any building or structure is set back 10 metres from the closest boundary of any Significant Natural Area.

509. FENZ (s124.315) support in part DEV2-R2 subject to the inclusion a firefighting servicing standard in DEV2-S3.
510. ES (s85.307) seek that DEV2-R2 is amended to a non-complying activity status. No development should be occurring until detailed investigations are complete. Charlton Rise Ltd (FS6.7) oppose this submission. The submitter has made no differentiation between the Hazard 1 and 2 areas identified on the Outline Development Plan and remainder of the areas not subject to the identified hazard in their submission and instead appear to be suggesting that there should be no development within the entire Outline Development Plan area or in the case of this submission point that any development in the Outline Development Plan area should be non-complying. Combining the entire Outline Development Plan area within this submission point is not appropriate and for this reason alone the submission point should be disallowed.
511. In considering the Hazard 1 and 2 areas only (the affected area has been identified through geotechnical assessments) the rule allows rural lifestyle development within the Hazard 1 area where a subdivision or land use consent has been implemented. The ability to construct a dwelling/structure, undertake earthwork or land disturbance will be subject to a previous subdivision consent where the effect of the hazard will have been identified and avoided, remedied or mitigated. Where this is not the case the activity status becomes discretionary or non-complying where compliance is not achieved with the requirements of DEV2-R2(3). This cascade of rules is considered sufficient to ensure the hazard is identified and remedied, mitigated or avoided.

Assessment

512. In relation to Charlton Rise Ltd and DEV2-R1, the intent is to enable primary production for land management purposes while development is in its early stages. I recommend the rule is amended as follows to provide clarity however welcome the submitter to provide alternate wording:

Primary Production

Activity Status: Permitted

Where:

1. the Development Area land is undeveloped, or
2. is a balance Lot resulting from a subdivision.

Note: undeveloped means it is not subject to an implemented subdivision or land use consent for residential activity.

Note: a subdivision consent is implemented when ss224c of the RMA has been issued; a land use consent is considered to be implemented when it is given effect to.

513. In relation to Charlton Rise Ltd and DEV2-R2, the inclusion of 'and' is intentional. New buildings, structures, earthworks, and land disturbance is permitted when the building, structure or

earthworks are undertaken in accordance with an implemented subdivision or land use consent and is compliant with the zone chapter rules. If a subdivision or land use has not been obtained, a restricted discretionary activity is required. It is envisaged this rule will enable lots to be developed on an individual basis once a subdivision consent has been approved and implemented or a land use consent obtained. Should development precede these approvals, they will be required to obtain consent pursuant to this rule to ensure development is in accordance with the overarching development plan. The rule is broken down as it applies differently to the hazard areas. As such, I recommend no changes to DEV2-R2.

514. In relation to Forest and Bird, currently there are two SNAs identified in the Operative District Plan. It is proposed to map additional SNAs as a PDP variation (see ECO-P1) which may include areas within DEV2. If development is proposed on a site, in proximity to an SNA (located on the same site), it is very likely the ECO Chapter will be reviewed for compliance. Any requirement for setbacks from SNAs should be located within the ECO Chapter as I consider the management of indigenous vegetation is a District Wide matter. The PDP ECO Chapter has appropriate provisions to protect significant natural areas from inappropriate disturbance or clearance through rules, matters of discretion and a policy framework.
515. There are matters of discretion in relation to land use, requiring the retention of natural features, and for subdivision: 'impacts on and access to cultural, natural and ecological value areas, including the impacts on any wetland' is a matter of discretion. I recommend the submission from Forest & Bird is rejected on this basis, however it may be that following the Ecosystems and Indigenous Biodiversity Chapter hearing, consequential relief may apply to the DEV2 Chapter.
516. In relation to FENZ, provision for servicing, including firefighting, is a matter of discretion for DEV2-R2. The submission is accepted in part however an additional standard for firefighting is not proposed.
517. In relation to ES, I do not agree that the entire Outline Development Plan area should be non-complying. Investigation into buildable areas has been undertaken and the rules and policy framework designed to ensure the hazard is identified and remedied, mitigated or avoided. The hazards overlays and cascade of rules reflects this.

Recommendation

518. I recommend, for the reasons given above, DEV-R1 is amended as follows:

Primary Production

Activity Status: Permitted

Where:

1. the Development Area land is undeveloped, or
2. is a balance Lot resulting from a subdivision.

Note: undeveloped means it is not subject to an implemented subdivision or land use consent for residential activity.

Note: a subdivision consent is implemented when ss224c of the RMA has been issued; a land use consent is considered to be implemented when it is given effect to.

519. I recommend no changes to DEV2-R2.

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

Section 32AA Evaluation

521. The following evaluates the recommendation to amend DEV2-R1 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The additional notes make it clear when primary production can occur on the site.

Costs and benefits

There are no apparent costs with the proposal.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objective DEV2-R1 than the notified version of the PDP.

6.11.6 Matters raised by submitters – DEV2- S1, DEV2 – S3

522. Charlton Rise Ltd (\$100.034) support DEV2-S1 and seek it is retained as notified.

523. FENZ (\$124.316) seek the existing servicing standard DEV2-S3 is amended to require all developments to have an independent water supply for firefighting that is compliant with SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.

The addition to the servicing standard is as follows:

DEV2-S3 (...) 2.All developments must have an independent water supply for firefighting that is compliant with SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.

Assessment

524. Support from Charlton Rise Ltd for DEV2-S1 is acknowledged.

525. In relation to FENZ, it is anticipated by the DEV2 provisions that the urban residential development in the Development Area will be connected to reticulated services. As such firefighting provision will be provided by the Council network. Provision for servicing, including firefighting, is a matter of discretion for DEV2-R2 and SUB-R7.

526. As has been discussed previously, including the entirety of the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice as proposed by the submitter raises concerns in relation to the useability of the plan and the determining of compliance by Council officers due to the complexity and technical nature of the Code of Practice. It is therefore not considered to be efficient or effective for Plan users and decision makers to include a standard or rule in the PDP which requires compliance with detailed external document, such as SNZ PAS 4509:2008. I encourage the submitter to provide a standard that can be incorporated in a more efficient and effective manner as evidence for the hearing.

Recommendation

527. No changes are recommended to the DEV2 standards .
528. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.11.7 Matters raised by submitters – SUB – R7 (DEV2- Gore West), SUB-S1 and SUB-S5

529. Chorus (s35.048), Charlton Rise Ltd (s100.004), Spark NZ (s154.048), One NZ (s32.048), FortySouth (s33.048), Connexa Ltd (s37.048) all seek that SUB- R7 is retained as notified.
530. FENZ (s124.030) seek that SUB-R7 is amended to include the following:
9. Provision for servicing, including water supply, firefighting water supply in accordance with SNZ PAS 4509:2008, wastewater treatment and disposal, stormwater design and disposal, electricity and telecommunications.
- Hamish Weir (FS5.107) opposes this submission.
531. CFMA (s99.013) seek that SUB-R7 is amended as so that activity status where compliance not achieved is a discretionary status. Hamish Weir (FS5.108) supports this submission.
532. ES (s85.108) support in part SUB-R7 but seek that greater emphasis on Natural Hazards is given. Hamish Weir (FS5.109) and CFMA (FS22.022) oppose this submission.
533. Charlton Rise Ltd (s100.005) (s100.007) support SUB-S1 and SUB-S5 as drafted.

Assessment

534. Support from submitters for SUB- R7, SUB-S1 and SUB-S5 as drafted is acknowledged.
535. In relation to FENZ, as has been discussed previously, including the entirety of the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice as proposed by the submitter raises concerns in relation to the useability of the plan and the determining of compliance by Council officers due to the complexity and technical nature of the Code of Practice. It is therefore not considered to be efficient or effective for Plan users and decision makers to include a standard or rule in the PDP which requires compliance with detailed external document, such as SNZ PAS 4509:2008. I encourage the submitter to provide a

standard that can be incorporated in a more efficient and effective manner as evidence for the hearing.

536. In relation to ES, the matters of discretion and policy framework are sufficient to manage hazards. I note the submitter has not provided any alternative wording. The RMA further includes Section 106 which can be relied upon to decline a subdivision if a significant risk from natural hazard exists.
537. In relation to CFMA the proposed minimum lot size standard is intended to provide for an appropriate level of density across zones. The activity status of 'non-complying' is purposefully strong to ensure that proposed development is consistent with the existing and intended character and amenity of the zone, whilst enabling a suitable level of density. It is acknowledged that a minor non-compliance with the minimum lot size standard may result in a more onerous consenting process however, if a proposal is demonstrated to be in accordance with the relevant objectives and policies there is no reason a resource consent approval couldn't be granted. I therefore reject the submission.

Recommendation

538. No changes are recommended.
539. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

7. Consequential and Minor Amendments

540. The Section 42 Introduction, General Provisions and Strategic Direction Report considered and assessed a submission point from Southland Federated Farmers (s126.181), Kevin Robertson (s115.182), Ronald Crispin (s60.184), Rural Ratepayers Group (s143.193), Alastair and Bernadette Hunt (148.194) and John Baynes (s68.302) to amend the wording of 'wellbeing' to 'well-being' to be consistent with the manner in which the word is expressed in Section 5 of the RMA. The recommendation in the report was to accept the submission point and throughout the PDP amend 'wellbeing' to 'well-being'. This requires some minor amendments to the GRZ, LLRZ and the MDZ. These amendments are reflected in **Appendix A**.
541. 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.
542. Within the General Residential Zone policy GRZ-P6 and rule GRZ-R8 reference 'Education Facilities' and rule GRZ – R6 reference 'education facility'. In the Medium Density Zone policy MRZ – P8 and rule MRZ – R8 reference 'education facilities', and rule MRZ – R6 references 'Education facility'. In the Large Lot Residential Zone, policy LLRZ-P6 references 'education Facilities'. However, the PDP provides a definition of 'Educational Facility' which aligns with the National Planning Standards. To provide consistency in terminology across the PDP and increase Plan useability and interpretation I consider it appropriate to amend the above to read 'Educational Facility'. These changes will be shown in red underlined in **Appendix A**.

543. The effect of this alteration is minor and corrects what is essentially an error in the drafting of the PDP as the intent was that education facilities aligned with the definition of educational facility.
544. In the Rural Zones section 42A, it was recommended that all the 'Setbacks from Stream and River' setback standards in area specific zones are updated for consistency, as the same assessment is applicable to all streams and rivers across the district. This includes changes to the GRZ, LLRZ and MDZ. The additions to the Chapters are shown in red underline in **Appendix A**.
545. In the Rural Zones section 42a, a Note was recommended to be added to the area specific zones to acknowledge s4 of the RMA, for consistency, as the same assessment is applicable to all Crown activity, as follows:

Note 2	Work or activity of the Crown
<u>Section 4(3) of the RMA allows certain Crown activity to contravene a District Plan in relation to any work or activity on land held under the Conservation Act 1987 that is consistent with a conservation management strategy, a conservation management plan or management plan and does not have a significant effect beyond the boundary of that land. Accordingly, this chapter does not apply to Department of Conservation activities that meet section 4(3), but does apply to activities that do not meet section 4(3) of the RMA.</u>	

546. The additions to the Chapter are outlined in **Appendix A**.

8. Conclusions

547. This report has provided an assessment of submissions received on the Residential Chapters, and associated definitions and mapping of the PDP.
548. I consider that the submissions on the Residential Chapters and associated definitions and 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**.
549. Overall, I recommend that the provisions are amended as shown in **Appendix A** for the reasons set out in this report. The main changes recommended include:
- Amendment to objectives and policies to recognise amenity in the residential zones.
 - Amendment to objectives and policies to recognise infrastructure may have a functional or operational need to locate in the residential zones.
 - An additional policy in the GRZ to manage onsite servicing.
 - Water Supply Treatment Facility Buffer Area in East Gore and Mātaura removed and corresponding rules GRZ-R14 and GRZ-R11.
 - A sliding density scale in the GRZ, enabling a density of development does not exceed one residential unit per 350m² as a restricted discretionary activity.
 - Provision for one residential unit per site in the Eversfield Precinct even if the site is less than 8000m².

- The removal of the volume of water for potable supply in the servicing standard GRZ-S2 and LLRZ-S2.
- A new standard requiring setbacks from the rail corridor on a sliding scale, based on the height of a building.
- An increase in the length of carports and garages permitted within the setback from side and rear boundaries, from 6m to 8m.
- Provision for 'relocated' buildings to be included in rules as a permitted activity

550. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of the PDP and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken throughout this report.

Closing Recommendation

551. The Hearing Panel accept, accept in part, or reject all submissions (and associated further submissions) as outlined in **Appendix B** of this report.

Signed:

Name and Title	Signature	Date
Joanne Skuse Consultant Planner		22.07.2024