

Project Number: 6-VG123.00

Gore Transfer Station - Gore District Council

Notice of Requirement for a Designation

15 December 2022

PUBLIC



Section 168 - Resource Management Act
1991

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NOTICE OF REQUIREMENT FOR DESIGNATION PURSUANT TO SECTION 168 OF THE RESOURCE MANAGEMENT ACT 1991

To: The Chief Executive
Gore District Council
PO Box 8
Gore, 9740

1. The Gore District Council gives Notice of a Requirement (NOR) for a designation for a public work and where a restriction is necessary for the safe and efficient functioning and operation of that public work. The purpose of the designation is:

“Gore Transfer Station.”

2. The site to which the requirement applies is Lot 1 DP 346018 (Toronto Street, Gore). Please refer to attached NOR for a further description of the site.
3. The nature of the proposed public works is the Gore Transfer Station Plant refer to attached NOR of this document for further description of the existing public work.
4. The effects that the public work will have on the environment and the ways in which any adverse effects will be mitigated are described in attached NOR.
5. Alternative sites, and methods have been considered to the following extent:
Please refer to attached NOR for a description of the consideration of alternative sites, and methods.

The public work and designation are reasonably necessary for achieving the objectives of the Requiring Authority. Please refer to attached NOR for a description of the Requiring Authority objectives.

6. No resource consents are necessary please refer to attached NOR.
7. Refer to attached NOR for more detail on consultation undertaken.
8. The Gore District Council attaches the information required to be included in this notice by the District Plan, Regional Plan or any regulations under the Resource Management Act, an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.



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Document History and Status

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Disclaimers and Limitations

This report ('Report') has been prepared by WSP exclusively for Gore District Council ('Client') in relation to the Notice of Requirement of Designation – Gore Transfer Station Site ('Purpose') and in accordance with the Short Form agreement dated 29 July 2022. The findings in this Report are based on and are subject to the assumptions specified in the Report. WSP accepts no liability whatsoever for any reliance on or use of this Report, in whole or in part, for any use or purpose other than the Purpose or any use or reliance on the Report by any third party.

1 Introduction

1.1 Purpose of this Report

To present information in support of a Notice of Requirement for Designation by the Gore District Council (GDC – Requiring Authority) to the Gore District Council (GDC) in accordance with the provisions of the Resource Management Act 1991 (RMA).

1.2 Background

The Gore Transfer Station is located at Lot 1 DP 346018 (Toronto Street – East Gore). The site is partially zoned as Rural and Industrial in the Gore District plan. The site is accessed via Toronto Street.

The GDC as a Requiring Authority under Section 166 of the RMA has identified the need to raise awareness of the Gore Transfer Station by seeking a designation within the Gore District Plan. The Gore District Plan is currently being reviewed and the intention is that a designation for the site is established through the District Plan Review process. A Designation in the District Plan will help the community to be more aware of the location of the existing works, enable waste transfer activities on the site and help individual choices around property purchase and/or development in relation to the waste transfer site.

The awareness about this site is generally low and this could result in inappropriate development being proposed adjacent or near to the site. Inappropriate activities may pose a risk to the efficient and effective transfer and disposal of waste at the Gore Transfer Station. The designation is sought to provide legal authorisation for waste transfer works (both existing and future works) their construction, operation, maintenance, repair, reconstruction, extension, modification, replacement, and improvement.

2 The Site

The NOR encompasses land as follows:

- Lot 1 DP 346018



Figure 1: Location of Gore Transfer Station

2.1 Environmental Setting

The site is located partially in both the Rural and Industrial Zones under the Gore District Plan. There is residential housing located approximately 200m to the west of the site. Land use in the immediate vicinity of the site comprises of industrial and rural activity. The site is located at the eastern end of Toronto Street, south of State Highway 1. The site is approximately 100m to the west of the Matakura River.

The Matakura River catchment is the region's second largest catchment, which extends from the southern tip of Lake Wakatipu to the Toetoes Estuary east of Invercargill. The Waikaia river is the main tributary, contributing half the flow of the catchment above its confluence with the Matakura, east of Riversdale.

The majority of the Matakura catchment has been developed for agriculture, which is particularly intensive in the middle and lower reaches of the catchment.

2.2 Extent of Designation

To include the following notation in the Schedule of Designations:

No.	Name	Purpose	Map	Location	Legal Description
-	Gore Transfer Station	Public Utility	-	Toronto Street	Lot 1 DP 346018

3 The Nature of the Proposed Works

Typically, a notice of requirement refers to 'proposed' works. In this instance, the physical construction of the 'proposed works' has occurred. There may be improvements undertaken to the existing works in the future. However, none are explicitly proposed as part of this notice and would be dealt with by way of an Outline Plan or should additional land be required, an alteration to the designation.

4 Reasonable Necessity of the Proposed Designation

4.1 Section 168A: Notice of Requirement by Territorial Authority

Section 168A of the RMA enables Territorial Authorities to issue a NOR for a designation for a public work within its District for which it has financial responsibility. It also enables restrictions in respect of any land, water, subsoil or airspace where it is necessary for the safe or efficient functioning or operation of a public work. In this case, an NOR has been issued for the designation of a public work, being the Gore Transfer Station, and no such restrictions are sought.

Clause 3 of Section 168A sets out the matters of which a Territorial Authority must have particular regard to, as follows:

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

- a) *Any relevant provisions of*
 - (i) *A national policy statement:*
 - (ii) *A New Zealand coastal policy statement:*
 - (iii) *A regional policy statement or proposed regional policy statement:*
 - (iv) *A plan or proposed plan; and*
- b) *Whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if:*

- (v) The requiring authority does not have an interest in the land sufficient for undertaking the work; or*
- (vi) It is likely that the work will have a significant adverse effect on the environment; and*
- c) Whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
- d) Any other matter the territorial authority considers reasonably necessary in order to make a decision on the requirement.*

In this case, the relevant provisions of the Regional Policy Statement for Southland and Gore District Plan are considered in Sections 6.2 and Sections 6.3 below.

The site is owned and administered by Council and therefore it is considered that it has sufficient interest in the land. As the facility is existing, no alternative sites or locations have been considered. The alternative method considered was to retain the status quo or to seek individual resource consents for various activities. However, the Council's preference is to designate the land to provide surety for the strategic planning and management of the site.

The work and designation are reasonably necessary for achieving the objectives of the Gore District Council because:

- The Council wish to signal its intent to continue to use the site for waste disposal and transfer purposes.
- The designation sets a record in the District Plan for the community to understand the use and nature of the site.
- The designation allows some flexibility if future modifications occur, albeit with the need for Outline Plan approval (Section 176A of the RMA).

There are no other matters considered reasonably necessary to make a decision on this NOR.

5 The Effects of the Public Work

The following assessment relates to the actual or potential effects as corresponds with the scale and significance of the activity on the environment.

5.1 Existing Works

The Gore Transfer Station forms part of the existing physical environment and has been present at the site for some time. For the existing works, no further assessment is required.

5.2 Future Maintenance Repair, Reconstruction, Extension, Modification and Replacement Effects

The site is situated in both the Rural and Industrial Zones of the District Plan.

5.2.1 *Noise Effects*

Noise associated with the works is generally limited to that associated with the operation of vehicles or machinery entering and exiting the site and the transfer and processing of waste. These noise effects form part of the existing receiving environment given the transfer site is existing.. The proposed designation of the site will not result in any additional noise effects.

Any future works proposed will also be subject to the Outline Plan process.

5.2.2 *Visual Amenity*

Visual effects associated with are existing and no changes are proposed as part of the application. As the Transfer Station is an existing physical resource and forms part of the existing environment, no further assessment of visual effects is considered necessary. There may be short term visual effects from maintenance activities consistent with the purpose of the designation in the future, but these are unlikely to be significant. These effects will be temporary and short in duration. Any future construction works on the site will require approval via the outline plan process.

The requiring authority will be required to prepare an Outline Plan for any new construction works or apply for a waiver from the GDC prior to any future works being carried out.

5.3 *Effects as a Result of the Proposed Designation*

The designation, if confirmed, will require landowners to gain written approval from the Requiring Authority to undertake any proposed works within the designated area under Section 176 of the RMA. This written approval will be additional to any authority required under the RMA.

6 *Statutory Assessment*

6.1 *Resource Management Act 1991*

6.1.1 *Part 2*

In reaching a decision on a NOR, the GDC has to be satisfied that by granting the application, Part 2 of the RMA will be achieved.

Section 5 of the RMA seeks to promote the sustainable management of natural and physical resources. Furthermore, it states that activities must be managed so that adverse effects on the environment are avoided, remedied, or mitigated.

The Gore Transfer Station is critical infrastructure given it provides solid waste processing, storage and removal facilities for the Gore District. The site is considered to be an important physical resource that must be managed in a sustainable manner. The proposed designation will provide for the social and economic wellbeing of people and communities. It is considered that the designation of the Gore Transfer Station will achieve the purpose of the RMA.

Section 6 of the RMA sets out the Matters of National Importance that are to be recognised and provided for. None of these matters are considered directly relevant to the site and proposed designation given the waste transfer station is existing. Section 7 of sets out the Other Matters to which regard shall be had. The designation recognises these matters, particularly Kaitiakitanga and efficient use of physical resources.

Section 8 of the RMA requires all persons exercising functions under the RMA to take into account the principles of the Te Tiriti o Waitangi (The Treaty of Waitangi). The proposed designation is not contrary to Section 8.

6.2 Southland Regional Policy Statement

The Southland Regional Policy Statement 2017 (RPS) sets the direction for the future management of Southland's natural and physical resources, in accordance with the purpose and principles of the RMA. The relevant objectives and policies of the RPS are summaries below.

The relevant chapter in the RPS is Chapter 5 – Rural Land/Soils and Chapter 13 – Solid Waste, and Chapter 17 - Urban. The relevant objectives and policies and comment are shown in the following table:

Objective/Policy	Analysis
Chapter 13 – Solid Waste	
Objective WASTE.1 – Reduce solid waste Reduce the generation of solid waste in Southland	The site does not generate solid waste in Southland. The transfer station acts as a temporary location for the solid waste/recycled waste before it is deposited to the appropriate location.
Objective WASTE.2 – Avoid, mitigate, or where appropriate remedy adverse effects Avoid, mitigate, or where appropriate remedy the adverse environmental effects of solid waste storage, disposal, processing	The application relates to an existing transfer station and is consistent with this objective.
Policy WASTE.1 – Adverse environmental effects: Avoid, mitigate or where appropriate remedy the adverse environmental effects of solid waste storage, disposal, processing, handling and transportation through the development and use of appropriate rules and/or methods in	The proposed designation will maintain and protect the existing site the service it provides for the processing and storage of collected waste from the residents of Gore District.

regional and district plans including, but not limited to rules and/or methods on:	
a) Location, such as proximity to sensitive receiving environments or historic heritage; b) Operation, such as acceptable solid waste, leachate or dust management; and c) Closing, such as site rehabilitation or monitoring.	
Chapter 17 - Urban	
Objective URB.1 – Urban Development Urban (including industrial) development occurs in an integrated, sustainable and well-planned manner which provides for positive environmental, social, economic and cultural outcomes	The existing site is located within an urban part of Gore and is located in an area well placed for effective and efficient transfer of waste and is consistent with this objective.

Table 1: Assessment of Southland Regional Policy Statement Objectives and Policies.

In regard to the above analysis, it is considered that the proposed designation is consistent with the relevant objectives and policies of the RPS.

6.3 Gore District Plan

The District Plan identifies issues, objectives, policies, and methods relating to the management of the environmental effects of land use activities on the natural and physical resources of Gore. The relevant objectives and policies of the District Plan and commentary on these are summarised in the table below.

Objective/Policy	Analysis
Chapter 3: Land Use Activities – A Framework	
Objective 1: Maintain and enhance the amenity values of the various localities within the District whilst respecting the different values and characteristics that exists within each area.	The transfer station exists, and the proposed designation of the site is consistent with maintenance of the existing amenity values of the surrounding area.

Objective 2: Ensure that the effects of land use activities do not adversely affect the quality of the environment and are compatible with the characteristics and amenity values of each locality.	The transfer station exists, and the proposed designation of the site will not adversely affect the quality of the environment
Objective 7: Ensure that the effects of earthworks and other land disturbance are avoided, remedied, or mitigated.	No earthworks are currently proposed and any future earthworks can be undertaken on the site in a manner that avoids, remedies or mitigates potential adverse effects.
Objective 8: Avoid where practical the adverse effects of land use activities upon infrastructure.	The proposed designation is consistent with this objective.
Policy 1: Establish zones that reflect the characteristics and amenity values.	The existing location of the Gore Transfer Station is within the Rural/Industrial Zone of the Gore District Plan. The transfer site exists and the designation would maintain the existing characteristics and amenity values of the Rural/Industrial Zone
Policy 2: Control the adverse effects of land use activities on the environment.	The transfer station exists, and the proposed designation of the site does not propose any new land use activity.
Policy 10: Recognise that earthworks and disturbance of the ground is a necessary part of undertaking many activities.	Since the site is already existing, the designation would cover earthworks that are required for any ongoing maintenance, replacement, or construction associated with upgrades to the existing site, subject to an outline plan process.
Policy 11: Ensure that the effects of earthworks and other land disturbance are avoided, remedied, or mitigated.	Any future earthworks will be assessed via the Outline Plan process.
Policy 12: Require any adverse effects on land use activities upon infrastructure to be rectified.	The Gore Transfer Station is council owned infrastructure, and the proposed designation of the site is consistent with this policy.

Chapter 7: Utilities	
Objective 1: To ensure that utilities are provided for so as to meet the economic, social, health and safety needs of individuals and the community.	The Gore Transfer Station is a utility which contributes to the health of individuals and communities of Gore and the surrounding area. The proposed designation would safeguard the utility and allow it to continue providing waste processing and transfer services.
Objective 2: To ensure that the location and design of utilities avoids significant adverse effects on: a) ... b) ... c) ... d) The maintenance and enhancement of public access to and along lakes and rivers	The proposed designation will not result in any significant adverse environmental effects the transfer station forms part of the existing physical environment.
Objective 3: Subject to Objective 2, to avoid where practical, remedy or mitigate the adverse effects of the provision of utilities.	The existing utility will not have significant adverse effects on the surrounding environment.
Objective 4: To avoid adverse effects of land use activities on the operation of the utilities of the District. Objective 5: To protect the existing infrastructure of the District Objective 6: To ensure development is not inappropriately located near infrastructure, such as high voltage electricity lines.	The purpose of the proposed designation is to ensure that the public are made aware of the location of the transfer station, to provide some protection for the existing land use at the site and it is consistent with these objectives.
Policy 1: To recognise the benefits, and necessity, to individuals and the community from the provision of utilities.	The proposed designation would recognise the significant benefit the transfer station provides to the Gore community, and ensure public awareness is raised through the location included in District Plan Maps.

Policy 6: In considering subdivision and land use activities, to take into account any adverse effects of those activities on the operation of the existing and the foreseeable utilities of the district.	The proposed designation will assist in achievement of this policy.
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Table 2: Assessment of Gore District Plan Objectives and Policies

In light of the above analysis, it is considered that the proposed designation is consistent with the relevant objectives and policies of the District Plan.

7 Proposed Conditions

As this application relates to an existing water supply site that is well established on the site no conditions are considered necessary.

8 Alternative Sites, Routes, and Methods

Section 171 (1)(b) of the Resource Management Act requires the GDC to have particular regard to:

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

- (i) The requiring authority does not have an interest in the land sufficient for undertaking the work; or*
- (ii) It is likely that the work will have a significant adverse effect on the environment.”*

Section 171 are disjunctive and therefore a Requiring Authority must only meet one test of the other.

Section 5 of this report outlines the potential effects of the proposal and demonstrates the effects of the proposed works outside of those already consented and designated of the scheme are considered to be no more than minor (Section 171(1)(b)(ii)).

An assessment of alternative site is not relevant in this instance, as the Gore Transfer station is already existing.

The proposed designation has also been picked as a method to bring the transfer station to the attention of the community within the District Plan. The use of the designation process will also help the requiring authority to sustainably manage the station alongside other planning tools at its disposal.

9 Resource Consents Required

No further resource consents are required for the proposed works.

10 Notification

Submissions on the proposed NOR can be made when the proposed Gore District Plan is publicly notified.

11 Conclusion

The Gore Transfer Station is an existing physical resource that needs to be sustainably managed.

This NOR also demonstrates that any adverse effects of the proposed designation are no more than minor. The proposed designation of the solid waste station will have positive effects on the social and economic wellbeing of the community from the provision of well-managed and maintained waste management works.

We believe it is appropriate for this NOR application to be granted for the following reasons;

- The proposed designation will not give rise to any significant adverse environmental effects
- The proposed activity is consistent with the relevant RMA plan and policy documents.
- The proposal is consistent with the sustainable management purposes of the Resource Management Act 1991, in that it will provide for the sustainable management of natural and physical resources.

The purpose of the Act will be better met by the approval of the application than its refusal.

Appendix A – Designation Plan



GORE TRANSFER STATION PROPOSED DESIGNATION

All care has been taken in creating this information but Gore District Council accepts no responsibility for its accuracy or content.



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

Identifier 188742
Land Registration District Southland
Date Issued 13 January 2005

Prior References
SL2A/995

Estate Fee Simple
Area 2253 square metres more or less
Legal Description Lot 1 Deposited Plan 346018
Registered Owners
Gore District Council

Interests
Subject to Section 59 Land Act 1948

Sec 13
CT 51A/995

Blk VIII
Town of East Gore

Sec 14
CT 51A/679

OLD RIVER BED
BLK IV WAIKAKA SD

2253m²

TORONTO STREET
LEGAL

OLD RIVER BED
BLK IV WAIKAKA SD

2253m²

2253m²

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