

Gore Proposed District Plan

Hearing Stream 8

McNab Management Limited Submission

Section 42A of the Resource Management Act 1991

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Interpretation

Abbreviations

Resource Management Act 1991	RMA or ‘the Act’
Gore District Council	GDC or ‘the Council’
Operative District Plan	ODP
Proposed District Plan	PDP
National Planning Standards 2019	PS
Southland Regional Policy Statement 2017	RPS
National Policy Statements	NPS

National Policy Statement on Highly Productive Land	NPS-HPL
National Policy Statement for Freshwater Management	NPS-FM
National Policy Statement for Urban Development	NPS-UD
National Environmental Standards	NES
National Environmental Standard for Freshwater 2020	NES-F
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011	NES-CS
Permitted Activity	PA
Controlled Activity	CA
Restricted Discretionary Activity	RDA
Discretionary Activity	DA
Non-complying Activity	NCA

1. Executive Summary

1. A suite of changes were requested by the submitter McNab Management Limited (MML) including rezoning and PDP amendments across different zones including the General Rural Zone (GRUZ), Rural Lifestyle Zone (RLZ) and Māori Purpose Zone (MPZ).
2. There were 11 submission points from MML and 7 further submission points from NZ Transport Agency Waka Kotahi (NZTA) received on the topic.
3. The key requests made by MML include:
 - Amendment of the RLZ and GRZ boundaries over the land at 10 McKinnon Road and overlay a Rural Industry Precinct called 'PREC14 – McNab Rural Industry Precinct'
 - Addition of a new Māori Special Purpose Zone to allow for the relocation of the Te Ika Rama Marae which is currently subject to inundation
 - Amendments to the GRZ overview and purpose, objectives and policies to provide for the above requested zoning.
 - An additional policy in the RLZ that provides for the Rural Lifestyle Zone at McNab
 - Amendments and additions to the MPZ chapter to provide for the new Māori Purpose Zone
4. The report has been prepared in accordance with Section 42A of the RMA and outlines recommendations in response to the issues that have been identified through submissions and matters raised and proposed through the submitter's evidence. The report is intended to assist the Hearings Panel to make decisions on the submissions (including evidence) 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.
5. As a result of submissions and evidence, a range of recommended amendments to the PDP have been made, these are broadly summarised as follows:
 - Rezoning to Rural Lifestyle, Māori Purpose Zone and General Rural Zone with a Rural Industry Precinct at the MML site.
 - Amendments to the GRUZ to provide for the McNab Rural Industry Precinct including a wider range of activities within the Precinct and include an access standard to prevent direct access onto the State Highway and require intersection upgrades.
 - Consideration of a 10ha Light Industrial Zone if this can be reconciled with the recommendations, conclusions and considerations within the *Ngā Hua o Āpiti Hono Tātai Hono* report.

- Amend the Maori Purpose Zone Chapter (MPZ-R8) to make *Community Facility* PA at Te Ika Rama MPZ and consequential amendments to the name of Te Ika Rama Marae MPZ throughout the chapter, if necessary.

2. Introduction

2.1 Author and qualifications

Victoria Woodbridge

6. My name is Victoria Emily Jane Woodbridge, I am co-author of this report. I have focused on the rural and industrial rezoning and amendments to General Rural Zone, Rural Lifestyle Zone and Light Industrial Zone.
7. I am employed by The Property Group as a Principal Planner. I hold a Bachelor of Arts (Honors) English and Media Studies from the University of Glamorgan, UK and a Masters in Urban and Regional Planning from the University of Westminster, UK. I have over 15 years' experience in planning and resource management, including policy development and associated report and evidence preparation.
8. I have been engaged as a contractor by Gore District Council to assist in the District Plan review and prepare the draft and proposed District Plans. I have been the lead planner on the preparation of the Industrial Zone Chapter, including the drafting of the Section 32 Evaluation report. I have also been involved in a range of other zone and district wide chapters within the PDP.
9. I have also been involved in Council initiated Plan Changes and variations for Tasman District Council, Far North District Council and private Plan Changes for several private clients

Courtney Bennett

10. My full name is Courtney Louise Bennett and I am a co-author of this report. I have focused on the relocation of the Māori Purpose Zone and amendments to that Chapter and provision of a Mahinga Kai Overlay.
11. I am a senior advisor and director of Kete Planning Consultancy. I hold a Bachelor of Planning (Hons) from The University of Auckland, and a Master of Science (Dist.) from Canterbury University. I am also an Intermediate member of Te Kōkiringa Taumata New Zealand Planning Institute, and a member of Papa Pounamu - their kaupapa Māori Special Interest Group. I have ten years' experience in planning and resource management with a specialisation in kaupapa Māori environmental planning matters. I also have a background in research, with a focus on best practice papakāinga policy, mana whenua engagement processes, and bicultural planning approaches.
12. I have been engaged as a contractor by Gore District Council (GDC) to assist in the District Plan review hearings process. I have been the lead planner for the MPZ – Māori Purpose Zone chapter, SASM – Sites and Areas of Significance to Māori chapter, and MW – Mana Whenua chapter, including the drafting of their respective S32 and S42A reports.

2.2 Code of Conduct

13. We confirm that we have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that we have complied with it when preparing this report. Having reviewed the submitters and further submitters relevant to this topic we advise there are no conflicts of interest that would impede us from providing independent advice to the Hearings Panel. The opinions expressed in this evidence are based on our qualifications and experience and are within our areas of expertise. If we rely on the evidence or opinions of another, our evidence will acknowledge that position.
14. We are 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

15. This report considers the submissions and further submissions that were received by the Council in relation to land at 10 McKinnon Road, Gore. The submissions were received from McNab Management Limited (the submitter) with further submissions received from New Zealand Transport Agency Waka Kotahi (NZTA).
16. On 3 July 2024 the Panel issued Minute 13 which set out a timetable for exchange of evidence to be followed for this topic. This topic follows a slightly different format to other District Plan hearings on the Gore Proposed District Plan (PDP) given it applies to a discrete area of land and seeks a range of zoning amendments across different zones as follows:
 - a. Part 3: Area Specific Matters – Light Industrial, Rural Lifestyle, General Rural and Māori Purpose Zone
 - b. Planning maps
17. We have considered the scope of the evidence provided and where we are reasonably comfortable the evidence is within the scope, or we consider an assessment would assist the Panel, we have assessed both the submission and the evidence in the following format:
 - a. Submission / evidence information
 - b. Analysis of submissions
 - c. Recommendation and any amendments
18. We have provided a single s32AA assessment to evaluate the range of amendments we recommend as an integrated suite of amendments.
19. Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions and are shown by way of ~~red~~ strikeout and underlining. Appendix A of this report contains a copy of the relevant PDP chapters with all recommended amendments shown by way of ~~red~~ strikeout and underlining.

20. 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.
21. Clause 10(2)b of the RMA allows decisions on the PDP to include matters relating to consequential alterations to the PDP which are necessary, relevant or arising from submissions.
22. Any minor or consequential alterations recommended are provided in section 14 of this report.

4. Statutory considerations and planning framework

4.1 Resource Management Act 1991

23. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:
 - a. Section 74 – Matters to be considered by territorial authorities; and
 - b. Section 75 – Content of District Plans.
24. As set out in the Section 32 Evaluation Report for the various area specific zones subject to this submission, 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 Introduction, General Provisions and Strategic Direction Report also provides an overview of the relevant Statutory considerations, higher order planning documents and other relevant plans and policies.
25. 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)

26. 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.
27. The NPS-UD includes objectives and policies which are relevant to the requested McNab zoning including:
 - Objective 1 of the NPSUD seeks that well-functioning urban environments are provide for the needs of people and communities both now and into the future.

- Objective 4 seeks that urban environments are provided that, over time, develop and change in response to the changing needs of people and communities and future generations.
- Objective 5 requires that planning decisions relating to urban environments take into account the principles of Treaty of Waitangi (Te Tiriti O Waitangi).
- Policy 1 gives further direction on providing well-functioning urban environments which provide a variety of residential housing options and cater for different business sectors whilst ensuring accessibility for housing, jobs, community services, natural and open spaces and public or active transport systems.
- Policy 2 requires that sufficient development capacity is provided over the short, medium and long term to meet expected demand for housing and business land.
- Policy 6 directs decision makers to recognise the benefits of well-functioning urban environments and that development may involve significant changes to an area which detract from the amenity value some people appreciate but improve amenity values appreciated by others, communities and future generations through the provision of increased and varied housing densities and types.
- 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.

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

28. 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. ES is required to map highly productive land within the Gore district that meets the following criteria:

- (a) is in a general rural zone or rural production zone; and*
- (b) is predominantly LUC 1, 2, or 3 land; and*
- (c) forms a large and geographically cohesive area.*

29. The National Policy Statement for Highly Productive Land (NPSHPL) requires Councils to recognise and provide for the value and long-term benefits of using highly productive land for primary production by avoiding uncoordinated urban expansion and Rural Lifestyle areas on highly productive land that has not been subject to a strategic planning or cost benefit process. Highly productive land includes a land parcel with Land Use Capability 1,2, and 3 soils. The regional council must notify maps of Highly Productive Land (HPL) by 2025, and then the District Plan needs to incorporate these maps without going through the first schedule process within six months. Changes to district plan provisions are then required within two years and will have to go through the first schedule process. New provisions will cover the following matters:

- Avoiding subdivision on HPL (3.8)
- Protecting HPL from inappropriate use and development (3.9)
- Continuation of existing activities (3.11)
- Supporting appropriate productive use of HPL (3.12)

- Managing reverse sensitivity and cumulative effects (3.13).
30. In the meantime, HPL is land that is general rural and LUC, 1, 2 and 3 but not land identified for urban development in a council adopted growth plan or strategy (3.5(7)). Councils can allow urban rezoning of HPL only if it is necessary to provide development capacity to meet expected demand, where it is the only reasonably practicable option, and where the benefits outweigh the costs (3.6(4)). Rezoning of HPL for Rural Lifestyle is to be avoided except where analysis is undertaken considering matters such as permanent or long-term constraints of the land, productive capacity loss, land fragmentation, reverse sensitivity effects, benefits of development versus costs of loss of HPL..
 31. Land-based primary production is defined in the NPS-HPL as “production, from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land.” This definition is deliberately narrower than the National Planning Standards definition of ‘primary production’ as there are some activities covered by the primary production definition that do not need to locate on HPL in the same way as agricultural or horticultural activities do. As such, the intent of the NPS-HPL is not to protect HPL for mining and quarrying activities.
 32. However, there is a pathway for mineral and aggregate extraction on HPL under Clause 3.9(2)(j) where these meet certain tests (operational and functional need to be on HPL or provide significant public benefits). Small-scale farm quarries could also potentially have a pathway on HPL as ‘supporting activities’.
 33. In relation to the MML site the land was identified in Council’s ‘Ready for Tomorrow’ Spatial Plan as being suitable for urban (industrial) zoning¹ (refer to Figure 1).
 34. Subsequent reviews² of the Spatial Plan recommended a reduced area of land to accommodate growth and considered alternative locations. These reports explain the process undertaken to assess the constraints, advantages and disadvantages of each option for rezoning and present a more detailed analysis of growth demand. Without providing additional land to accommodate growth, there will be adverse effects on the economic, social and cultural well-being of the community. If business looks to establish outside of the District, this is at the detriment of the existing community and economy, which would benefit from business growth.
 35. However, as the MML site was included within the Spatial Plan in accordance with clause 3.5(7)(b) the Council need not consider the land as highly productive land under the NPS-HPL.

¹ Ready for Tomorrow – Gore District Spatial Plan

² Gore District Plan Review: Economic and Population Growth Analysis, October 2021 and Gore District Plan Review: Planning for Growth, June 2022

Outcomes Map 1. Gore township

Largest town in the district with a significant population and is a major hub.
Comments point to examples where the outcome could be achieved.

A recreational area is established in the north west area of Gore.

The Heritage Precinct is developed in an integrated way with the Matouira River.
Provision for larger scale buildings in Commercial and Mixed Use Zones.

Large formal retail activity occurs in the Mixed Use area.
Commercial activity does not encroach into suburban residential areas.
Growth is consolidated in the existing urban area through infill.

The Gore Health Centre is expanded to meet the needs of an aging population.

The existing commercial area provides for a range and scale of activities, while maintaining its character.

A mix of housing types and densities are available through brownfield development.

Mixed Use development occurs in areas close to the Commercial Zone.

Provision is made for service logistics and other industries in the South of Gore.

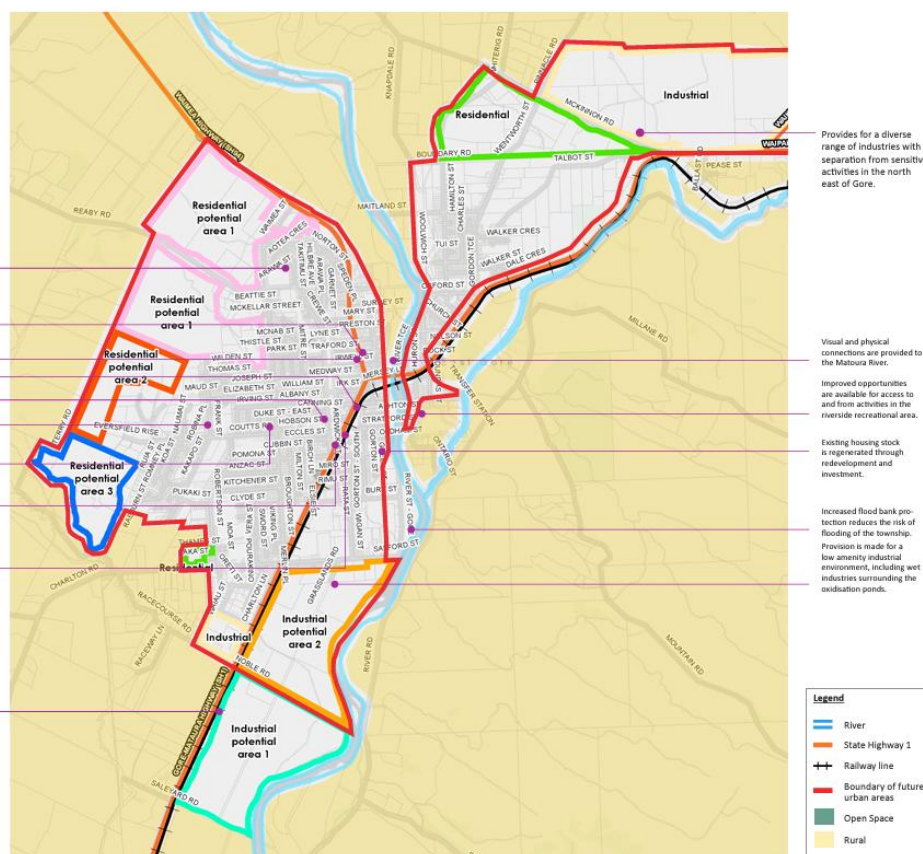


Figure 1 – Ready for Tomorrow Gore Spatial Plan (figure 6, page 14)

National Policy Statement for Freshwater Management 2020 (NPS-FM)

36. The National Policy Statement for Freshwater Management 2020 (NPS-FM) sets out the objectives and policies for freshwater management under the Resource Management Act 1991. Requirements include to manage freshwater in a way that 'gives effect' to Te Mana o te Wai, to avoid further loss or degradation of wetlands and streams, improve degraded water bodies, in stream habitats and fish passage, and maintain or improve all water bodies using defined bottom lines with annual monitoring and reporting requirements. The implementation of the NPS FM is primarily a regional council function, however territorial authorities must adopt an integrated approach to freshwater management in that the whole environment is connected.
37. The MML site contains a stream which the submitters evidence has identified as being appropriate to be managed through PDP provisions.

Southland Regional Policy Statement (RPS)

38. The Southland Regional Policy Statement 2017 (RPS) sets out the framework and priorities for resource management in the region. The RPS identifies the regionally significant issues around the management of the Region's natural and physical resources and sets out what needs to be achieved (objectives) and the way in which the objectives will be achieved (policies and methods). Section 75(3) of the RMA requires the PDP is required to give effect to the RPS.
39. In relation to urban development the RPS requirements which must be given effect to in the PDP include:

- Encouraging intensification and infill development to regenerate and support the vibrancy and vitality of existing urban centres,
- Ensuring urban centres are well planned and designed,
- Providing for a range of activities to support residential, employment and recreational opportunities,
- Providing for active and public modes of transport,
- Being supportive of housing choice whilst managing the potential for reverse sensitivity effects from existing development, and
- Managing urban growth in relation to significant infrastructure, historic heritage, and natural hazards.

40. The RPS contains a chapter on rural land and soils (Chapter 5) which identifies the following issues for rural areas:

The rural land resource of Southland supports the economic and cultural life of Southlanders and must be safeguarded to provide for current and future generations.

To achieve sustainable use of the rural land resource it is important to avoid:

- *degradation or loss of soils through poor management, for example by avoiding heavy stocking of soils vulnerable to structural compaction during wet periods;*
- *soil erosion, sedimentation, landscape impacts, and loss of biodiversity during land development activities.*

To achieve sustainable use of rural land resources, rural-residential subdivision must be undertaken in a way that achieves efficient use of soil and land resources. This means avoiding negative outcomes such as the loss of high value soils from productive use, inefficient use of transport networks, reverse sensitivity effects, or lack of available land following 'ring fencing' of urban areas by small landholdings.

41. The following objective and policy provisions within the RPS are particularly relevant to the Rural zones in the PDP:

- Mauri and wairua are sustained or improved where degraded, and mahinga kai and customary resources are healthy, abundant and accessible to mana whenua.
- Maintain or improve water quality and ensure flows, levels and allocation regimes safeguard the life supporting capacity of water while meeting user needs.
- Achieve sustainable use of Southland's rural land resource in respect of agriculture and primary sector activities, subdivision use and development, use of soil resources, and on-site wastewater systems.
- Maintain and protect indigenous biodiversity.
- Natural hazard risks are understood and avoided, remedied or mitigated, resulting in communities becoming more resilient.
- Southland's regionally and nationally significant infrastructure and critical infrastructure is secure, operates efficiently, and is appropriately integrated with land use activities and the environment.

42. The RPS also requires territorial authorities to establish and maintain provisions within District Plans that:

- safeguard identified tangata whenua environmental and cultural values and resources from inappropriate subdivision, use or development, including recognising and providing for ancestral lands, wāhi tapu, wāhi taonga and recognised customary sites, activities and statutory acknowledgements; and
 - make provision for appropriate and sustainable development of land held by Māori under Te Ture Whenua Māori Act 1993, and resources while safeguarding biodiversity.
43. The RPS encourages local authorities to research and investigate, by seeking cultural impact assessments and utilise cultural monitoring tools, to determine the effectiveness and efficiency of plan provisions. Collaboration can include measures such as to include accredited tangata whenua commissioners on hearings panels or to consider full or partial transfer of a council's functions, duties or powers to tangata whenua through the recognised iwi authority (Section 33 of the Act), where appropriate.
44. To actively provide for tangata whenua involvement in plan development and statutory processes can be undertaken by giving effect to and maintaining the Charter of Understanding, or other formal agreements, giving effect to Te Tangi a Tauira, encouraging and facilitating consultation with mana whenua, and advising Te Rūnanga o Ngāi Tahu and relevant Papatipu Rūnanga of notified applications. The RPS also encourages consultation with tangata whenua and take into account Te Tangi a Tauira and other relevant iwi planning documents in plan development.
45. The non-mandatory directions of the RPS encourage local authorities to use spatial management tools to identify areas for potential rezoning, to work collaboratively with Southland Regional Council (Environment Southland), tangata whenua and key stakeholders and promote CPTED principles in urban development.

4.3 Section 32AA evaluation

46. 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.

47. 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 as required by s32AA(1)(d)(ii).
48. 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

49. The Section 42A Introduction, General Provisions and Strategic Direction Report includes details of the PDP notification, submission statistics etc. The Section 32 Evaluation Reports for the Industrial Zones, Rural Zones and Māori Purpose Zone provide a comprehensive evaluation of the zoning, objectives and policies and concluded the notified PDP was the most appropriate means of meeting the purpose of the RMA.
50. In particular the Industrial Zones s32 report considered potential rezoning options for the MML site³ with the following table outlining the benefits as well as the risks and costs associated with rezoning the land to industrial. The assessment considered the Spatial Plan growth area and an alternative growth area, which was shown in Figure 2 in the s32 report and is larger than the MML site.

Table 2	
Spatial Plan / Economic and Population Growth Analysis report	
Benefits	Risks and costs
A large area of land is provided.	The land borders a proposed residential growth area (identified in the spatial plan) which could result in reverse sensitivity and amenity value concerns that limit use of the industrial land.
Class 3 or lower soils	The land has a small boundary with the state highway and the majority of traffic would use the junction with McKinnon Road and the State Highway putting pressure on that intersection and on McKinnon Road.
	The identified area includes the Māori Purpose Zone (MPZ) which could result in adverse effects on cultural values and the ability to effectively use the MPZ.

³ Proposed Gore District Plan, Section 32 Report - Industrial Zones, pages 21-22

Alternative Growth Area	
Benefits	Risks and costs
The land is closely associated with the existing industrial zoned areas. Activities could be managed to avoid any reverse sensitivity concerns in respect of Mataura Valley Milk	The option is a smaller area of land, although the land area could be increased if more detailed analysis indicates this is required.
The site would be well serviced by the State Highway, although new access points would be required.	The land is adjacent to the Māori Purpose Zone (MPZ) which could result in adverse effects on cultural values and the ability to effectively use the MPZ.
The land contains only a couple of different parcels and therefore limited landowners.	The site is remote from the 'urban environment' and does not maintain a compact urban form.
	There are no reticulated services in the area.

51. In relation to rezoning of the MML site the s32 report considered that:

This area was revisited for potential industrial zoning at the request of the Gore District Plan Review sub-committee. Consideration was given to a range of options for zone locations and types as well as an option for a rural industry precinct.

The further analysis included additional engagement with the Hokonui Rūnanga Kaupapa Taiao, a study of demand, land constraints and issues and options. However, it was determined that due to the additional work required and concerns over adverse effects on cultural values the draft District Plan (DDP) General Rural Zone would be retained in this area.

5.1 Technical Reports

52. We have been provided with technical reports in relation to flood hazard, traffic, and Ngāi Tahu cultural values. The flood hazard and traffic reports are provided at Appendices H and I respectively.

Traffic

53. Abley have provided a memorandum to assess the potential traffic effects from the rezoning of land. The evidence and submission plans differ in terms of rezoning sought and we have concerns around scope for the scale of light industrial zoning. Therefore, Abley were engaged to consider the submission plan and but also take account of the Transport Evidence of Jason Bartlett provided by the submitter which recommended upgrades to the intersection of McKinnon Road and State Highway 1. It is understood that the submitter's evidence recommendations were developed in consultation with NZTA.
54. Abley have largely agreed with Mr Bartlett's recommendations, although their memorandum does also suggest some additional upgrade works. We have relied on the memorandum from Abley and Mr Bartlett's evidence to consider traffic effects.

Flood Hazard

55. Tonkin and Talyor have provided a flood hazard assessment of the area which identifies areas that may be less suitable for development due to the level of flood hazard risk. However, the

report does include limitations in how it should be considered and applied. For this reason, it has been taken as high-level advice which provides some information on the potential flood hazard. More detailed assessment of flood hazard risk and management of natural hazards will be considered through the Natural Hazard Chapter Section 42A report provided through Hearing Stream 11.

56. The report does indicate that there are higher flood hazards within the south west corners of the site. Mitigation measures for the proposed light industrial zone area could include raising building floor levels, raising ground levels or stopbanks. Nonetheless, in a small portion of the submission site area the report recommends that development of buildings is avoided. This includes avoiding building development within part of the 'transport hub' light industrial zone shown on the submitters evidence plan.

Ngāi Tahu Cultural Values

57. In early 2022, Council commissioned Hokonui Rūnanga Kaupapa Taiao to undertake an Āpiti Hono Tātai Hono assessment as part of the Gore District Plan Review. This type of assessment provides information on the relationships mana whenua hold with locations within the District, and provides guidance in accordance with tikanga and mātauranga on what types of activities may or may not be appropriate in specific areas, based on their impacts on these relationships. The McNab area was assessed as part of this work, which provided specific information on the cultural relationships mana whenua hold with the area this submission relates to, and recommendations on the types of activities that would be culturally appropriate in this location.
58. The resulting *Ngā Hua o Āpiti Hono Tātai Hono* report stated the following about the McNab area:

*"This area is only appropriate for development that can be undertaken in a way that responds to the way water flows through the site, and is sensitive to the existence and functioning of O Te Ika Rama Marae. It is also potentially appropriate for development that does not further disconnect this location from the wider landscape, or create negative impacts on the wider O Te Ika Rama Māori Purpose Zone [sic]. Activities that are loud, produce offensive odour, radically alter the rural amenity, or create health and safety risks for marae visitors would not be appropriate in areas in close proximity to the Māori Purpose Zone. Any development or activities would be encouraged to be undertaken in ways that increase the amount of indigenous planting within the area, ensure run-off or dust discharges do not enter streams or the air, and preserve viewshafts to and between landforms of significance. If development was to occur, it would be strongly advised that urban design interventions and naming conventions be used to recognise and celebrate the wider cultural landscape that this area sits within. Special care would also need to be taken to protect and enhance the Waikaka stream."*⁴

59. The report also provides a more detailed list of recommended management considerations for McNab.

⁴ *Ngā Hua o Āpiti Hono Tātai Hono: Various locations within Gore District*. May 2022. Pg. 9.

6. Consideration of submissions

6.1 Structure of the report

60. This report considers submissions and further submissions in relation to specific parcels of land located to the north of McKinnon Road and State Highway 1, these are identified as 6 and 10 McKinnon Road, along with Lot 1 DP 1293 and Lot 2 DP 5980.
61. 6 McKinnon Road is under the ownership of Hokonui Rūnanga Incorporated and comprises Lot 1 DP 2793 and Lot 1 DP 5732, under the PDP these lots are zoned Māori Purpose Zone.
62. 10 McKinnon Road (Part Section 17 Block 1 Waikaka SD), Lot 1 DP 1293 and Lot 2 DP 5980 are under the ownership of McKinnon Property LP and under the PDP has a mixed Rural Lifestyle and General Rural zoning.
63. We have generally described the above as ‘the site’ in this report, except where we refer individually to particular parcels of land.
64. Submissions for the site from submitter McNab Management Limited and further submissions from NZTA have raised a number of issues which have been grouped within this report. We have considered substantive commentary on primary submissions and further submissions as part of my consideration of the primary submission(s) to which they relate.
65. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where we agree with the relief sought and the rationale for that relief, we have noted our agreement, and our recommendation is provided in the summary of submission table in **Appendix B**. Where we 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. We have provided a marked-up version of the relevant Chapters with recommended amendments in response to submissions as **Appendix A**.
66. This report only addresses submissions on mapping specifically relevant to 10 McKinnon Road.
67. Given the integrated nature of the submission points we have provided a combined Section 32AA Evaluation within **Appendix G** to assess all amendments recommended.

6.2 Scope of Submission and Evidence Provided

68. Minute 13 issued by the Panel on 3 July 2024 directed a timetable for exchange of evidence between the submitter, NZTA and Council reporting officers. The first step was for us (as reporting officers) to provide confirmation to the submitter of information we considered would be relevant for our further assessment under Section 42A and for the hearing panel to assess under Sections 32 and 32AA of the RMA.
69. We provided a memorandum to the submitter on 30 July 2024, a copy is attached at **Appendix F**. However, we broadly identified the following:

- a. Concern with the scope of the submission and matters which required clarifying through evidence as follows:
 - i. The submitters Legal Counsel confirmed the Mahinga Kai Special Purpose Zone was no longer part of the submission and so confirmation of retention of the PDP zoning was sought, including over the Māori Purpose Zone (MPZ).
 - ii. Confirmation of how the outcomes articulated by new objective GRUZ-PREC14-O2 and GRUZ-PREC14-P2 would be achieved as no amendments to the General Rural Zone (GRUZ) were sought through the submission.
 - iii. How the requirement for a concept plan would be triggered through the PDP when the new standard GRUZ-PREC14-S1 was a controlled activity and simply required submission of the concept plan without any connection to the Light Industrial Zone (LIZ) provisions or Subdivision Chapter.
 - iv. How a deferred zone would be managed in the PDP given the National Planning Standards do not provide for deferred zoning. If deferment is not proposed, then how adverse effects on the MPZ would be managed as no amendments to the LIZ Chapter were sought through submission.
 - v. Clarification as to the reference to Te Ika Rama Marae MPZ which is excluded from the permitted activity rules for cluster housing, residential activities, community facilities, commercial activities and visitor accommodation. No amendments to the MPZ Chapter were sought to allow for these provisions despite the submission generally seeking that they are allowed.
 - b. Further information relating to traffic effects, flooding, servicing, urban design and cultural values would assist with supporting the submission and the s42A report drafting.
 - c. It was also suggested that assessments on the economic need for the rezoning and a planning assessment would be appropriate along with consideration of the effects on highly productive land values.
70. In accordance with the timetable provided within Minute 13 the submitter has provided evidence in the form of a Planning Assessment (including section 32A analysis), Traffic, Servicing and Economic Assessments.
71. However, we have some concerns there are areas of the evidence which is outside the scope of the submission and we have sought to define why we have reached this view in a planning context below.

Light Industrial Zoning / Rural Industry Precinct

72. The submission sought rezoning of the land “as shown in the concept plan attached to and forming part of this submission”⁵ – refer to Figure 2.

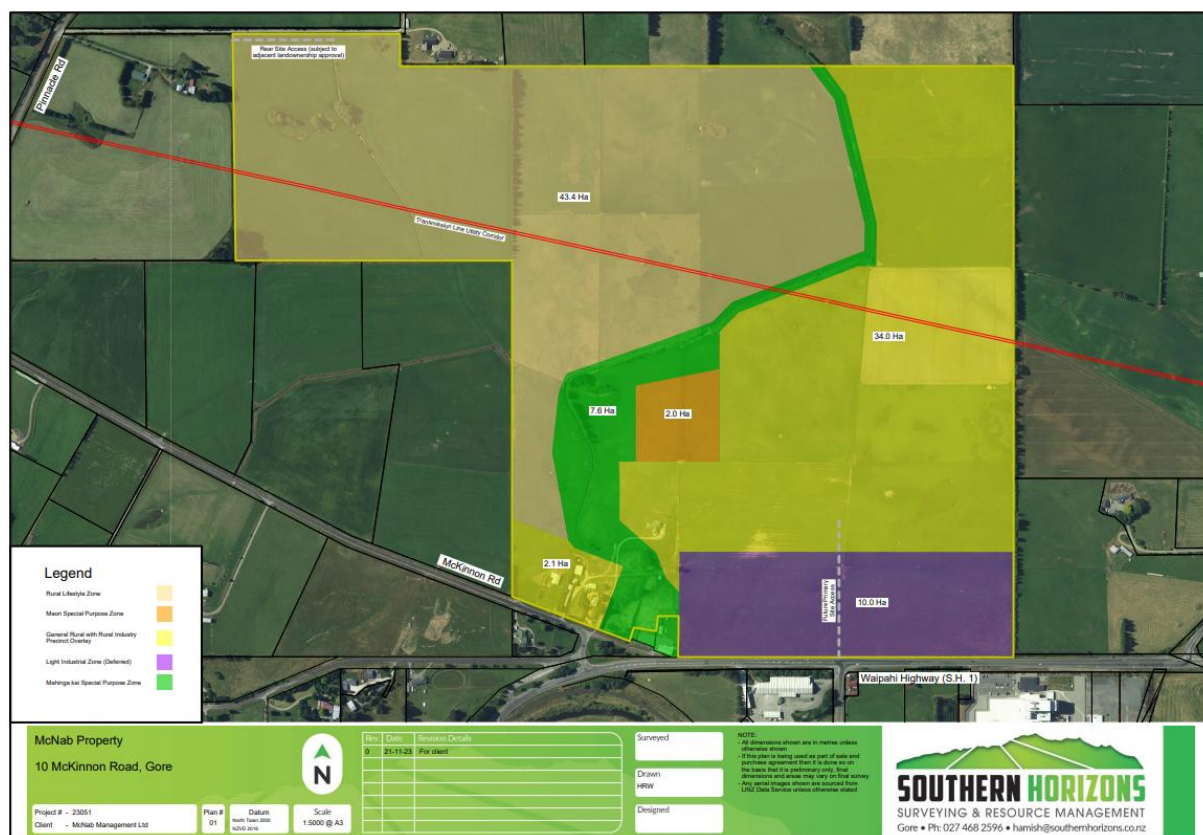


Figure 2 – Concept Plan attached to Submission (source – McNab Management Ltd submission)

73. The evidence provided from Ms McMillan on behalf of the submitter seeks rezoning as shown in Figure 3. As can be seen, there are substantial differences in relation to the extent of the LIZ area between the two plans.

⁵ McNab Management Ltd Submission (s103.002), page 1

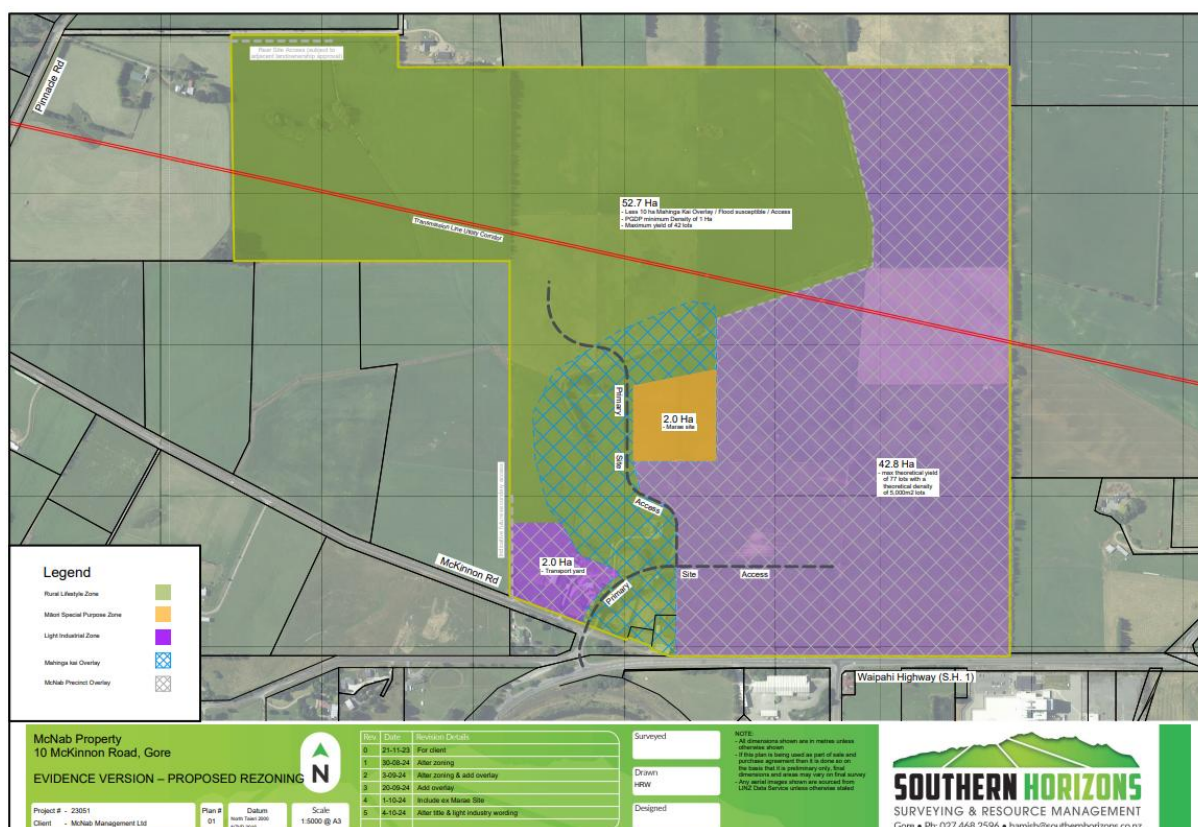


Figure 3 – Proposed rezoning through evidence (source – Evidence of Christine McMillan on behalf of McNab Management Ltd)

74. We consider that the increased LIZ is likely to be outside the scope of the original submission and creates natural justice issues as no other person has had the opportunity to further submit on the proposed zoning. In particular, landowners directly adjoining 10 McKinnon Road and those located to the south of McKinnon Road near to where the new access road is proposed have not had the opportunity to review and further submit on the submission if they wish to do so.
75. We have reached our opinions on the potential scope issue by considering the resource management effects that would arise from the different zonings (submission vs evidence), these effects are discussed in section 8 of this report.
76. We acknowledge that within her evidence Ms McMillan has proposed to only permit (enable) certain activities in the McNab LIZ and consideration is given to this in section 8, 9 and 10 below. However, notwithstanding the amendments proposed by Ms McMillan, the ability to obtain consent for other activities is likely to be relatively straightforward due to policy direction, zone purpose and the density provided for through subdivision and bulk and location standards; noting that these factors are significantly different between a GRUZ with a Rural Industry Precinct and a LIZ.
77. In our view, if the submitter wishes to pursue the zoning as proposed in the evidence of Ms McMillan, then further consultation would be required.
78. In addition to the zoning change between the submission and evidence, the evidence also proposes a number of amendments to the LIZ Chapter provisions as follows:

- a. Add a new objective and policy relating to the McNab Precinct.
 - b. Include Rural Industry as a permitted activity within the McNab Precinct.
 - c. Limit Light Industrial Activities within the McNab Precinct to 'logistics' and 'storage and distribution of construction materials and supplies' neither of which are defined.
 - d. Provide for Industrial Activities as a Restricted Discretionary Activity within the McNab Precinct subject to compliance with conditions.
 - e. Include a new standard relating to Access for the McNab Precinct.
79. There is a question as to whether these amendments are outside the scope of the submission, however, as the zoning was sought through submission it may be that some of the amendments are 'consequential' to that submission. We have assessed the amended provisions sought in section 10 of this report.

7. General Whole Plan Submissions

Matters raised by Submitter

80. General submissions in support of the PDP from Hokonui Rūnanga (s139.093), McNab Management Ltd (s103.031) and Transpower New Zealand Ltd (s101.103) were received. These submissions support the whole Plan except for their requested changes in the specific submissions.

Assessment and Recommendation

81. I acknowledge the support from the submissions. I accept them in part to the extent that I've recommended changes in this report.

8. Submissions on Planning Maps

Matters raised by Submitter

82. The submitter sought amendments to the planning maps as follows (s103.002 and s103.029) (refer also to Figure 2):
- a. Retain the Rural Lifestyle Zone but amend the boundaries as shown on the concept plan
 - b. Retain the General Rural Zone over part of the land with amended area and boundaries as shown on the concept plan.
 - c. Provide for a Rural Industry Precinct (PREC-14 McNab Rural Industry Precinct) over the amended General Rural Zone.
 - d. Relocate the proposed Te Ika Rama Marae Māori Purpose Zone as shown on the concept plan.
 - e. Provide a deferred Light Industrial Zone over 10 hectares of the proposed GRUZ-PREC14 adjoining Waipawa Highway / SH1 as shown on the concept plan, with the zoning deferred until:

- i. Ō Te Ika Rama Marae is relocated to the proposed new Te Ika Rama Māori Purpose Zone location; and
 - ii. An alternative access road is provided from Waipawa Highway / SH1 as shown in the concept plan.
- 83. The concept plan referred to in submission (s103.002) is attached to the submission which is provided in full in **Appendix E**, however, for ease of reference the concept plan is shown in Figure 2 above.
- 84. The reasons given for the amendments were to support a bespoke development concept for 10 McKinnon Road that, among other benefits, created an opportunity to relocate O Te Ika Rama Marae and its associated MPZ to a location less prone to flooding risks. This would maximise the development and use opportunities within the Te Ika Rama Marae MPZ for mana whenua, whilst maximising the natural capital of the MML-owned property and its surroundings.
- 85. NZTA further submitted (FS14.058 and FS14.059) in opposition to the submission on the basis that the precinct would be accessed directly from a local road which connects to State Highway 1, a short distance away. NZTA raised a concern that there was insufficient certainty about the expected traffic generation that will arise as this precinct is developed, and what upgrades to the local road intersection with State highway 1 might be required and when. NZTA considered that an Integrated Transport Assessment needs to be completed to identify the traffic effects of the proposed precinct, and when the highway intersection would need to be upgraded. NZTA would want provisions included in the Plan to manage the intersection.
- 86. The evidence provided by the submitter now proposes amending the planning maps as follows (refer to Figure 3 above):
 - a. Provide 44.8 ha of Light Industrial Zone with a 'McNab Precinct Overlay'
 - b. Relocate the Te Ika Rama Marae Māori Purpose Zone and rezone the PDP MPZ to Rural Lifestyle
 - c. A Mahinga Kai Overlay
 - d. Zone additional land Rural Lifestyle

Assessment

- 87. In response to submissions s103.002 and s103.029, as identified in section 6.2 of this report, the submitter has since provided evidence which includes a different zoning plan. Although we are of the view that the scale of the LIZ is out of scope of the submission, we have provided an assessment which relates to both the submission plan and evidence plan.
- 88. Specific submission points and evidence relating to amendments to zone provisions are considered in general terms in this section as they relate to the zoning considerations. More detailed consideration of the submission points which relate to zone provisions are provided in sections 9-12 below.

89. Our assessment relating to planning map amendments includes consideration of zoning, activities and associated amenity outcomes, cultural values, traffic effects, servicing requirements and economic demand.

Light Industrial and Rural Industry Activities and Zoning

Urban vs rural zone characteristics

90. The evidence from Ms McMillan indicates that the submitter wishes to zone approximately 44ha of land Light Industrial with a McNab Precinct overlay to primarily allow for rural industry activities⁶. In contrast the submission sought to provide for 10ha of LIZ and approximately 36ha of land zoned General Rural with a Rural Industry Precinct.
91. Ms McMillan's evidence does not appear to have considered the fact that providing a LIZ over 44 ha of land would essentially change the character of the area from rural, which supports lower density development with large setbacks, to urban which could be developed to a high density with a range of light industrial activities (some subject to resource consent approval as per evidence).
92. It is this fundamental change in character as a result of an increased LIZ which we consider to be out of scope of the submission. A person looking to further submit would have been considering a low density rural zoning with an allowance for rural industry activities, not an urban, light industrial zone with the potential for high density light industrial development.
93. The LIZ is an urban zone⁷ which as stated in the Chapter overview has a purpose of providing *"for predominantly light industrial activities which do not generate offensive or objectionable levels of discharges, odour or noise which would create adverse effects on the adjoining residential, rural and commercial zones....."*
94. Table 1 below provides an overview of the bulk and location standards for a GRUZ versus LIZ. It is evident that within the LIZ higher density development is enabled and anticipated which would allow for the submitter to undertake development with only a 2m setbacks to adjoining sites zoned GRUZ or 10m to sites zoned Rural Lifestyle (RLZ). Whilst the submitter may not, at this stage, propose to undertake any such development the zoning will allow for this.

Table 1 – Zone provision comparison	
Light Industrial Zone	General Rural Zone with Rural Industry Precinct
<i>Activities permitted subject to conditions:</i> • Light industrial activity	<i>Activities permitted subject to conditions:</i> • Primary production

⁶ Evidence of Christine McMillan para 16 pg 5

⁷ The PDP does not include a definition of urban zone or urban environment but does include a definition of 'urban area' which means *"In relation to transport means land that is located in or around the built up area of towns and settlements and that is typically serviced by Council reticulated services. It includes land within the residential zones, commercial or mixed use zones, industrial zones and settlement zone."*

• Trade and industrial training facility • Emergency service facility • Service station • Retail activity either ancillary, hire of goods, take-away food or sale of products that require outdoor storage. • Take-away food and beverage activity • Residential activity for caretaker / security • Office activity - ancillary to other PA • Use of reserve land.	• Prospecting for and mining minerals • Quarrying • Rural industry (PA generally CA in Mataura Rural Industry Precinct) • Woodlot • Conservation Activity • Residential Activity, homestay and home business • Industrial Activity – contractor yard or manufacturing of primary produce produced on the site other than rural industry • Limited commercial activities • Agricultural sector training as an education facility • Rural commercial recreation activity • Equestrian facilities • Agricultural aviation • Use of reserve land
Bulk and Location standards: • 2m side or rear setback where site adjoins a site not within the General or Light Industrial Zone. • 10m setback to Rural Lifestyle Zone • 2m road boundary setback • Height in relation to boundary limit for sites adjoining General Residential, Medium Density Residential, Large Lot Residential or Māori Purpose Zones or containing a scheduled heritage item. • Stream setbacks • 12m maximum height • Landscaping and screening requirements • 10% landscaped permeable area per site • Rail corridor setback, graduated based on building height.	Bulk and Location Standards: • 1 residential unit per 40ha or 1 per site if less than 40ha. • 1.5% maximum building coverage or 5% on a site within the Rural Industry where used for rural industry. • Building size limits – 10,000m² for rural industry precinct, 3000m² for primary production building and 500m² for any other building • Setbacks ranging from 30m (residential buildings) to 200m or 100m in the rural industry precinct for buildings larger than 500m², otherwise 15m. • Stream setbacks • 12m maximum height or 15m in rural industry precinct
Subdivision: No minimum lot size other than lots must be able to accommodate a square measuring 15m x 15m.	Subdivision: 8 hectare density otherwise non-complying resource consent required

95. The PDP 'How the Plan Works' Chapter provides a description of different zones which is taken from the National Planning Standards as follows:

General Rural Zone – Areas used predominantly for primary production activities, including intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including rural industry and other activities that require a rural location.

Light Industrial Zone - Areas used predominantly for a range of industrial activities, and associated activities, with adverse effects (such as noise, odour, dust, fumes and smoke) that are reasonable to residential activities sensitive to these effects.

Rural industry activity in a Light Industrial Zone

96. It is important to understand the distinction between rural industry activities and light industrial activities to understand why we consider rural industry inappropriate within the LIZ.
97. Rural Industry is defined in the PDP and National Planning Standards as “*means an industry or business undertaken in a **rural environment** that directly supports, services, or is dependent on primary production.*” [emphasis added]
98. The PDP defines rural environment as “*land within the General Rural Zone, Rural Lifestyle Zone, Settlement Zone and Natural Open Space Zone.*”
99. Therefore, notwithstanding the issue of scope, we do not consider rural industry an appropriate activity to be permitted within the LIZ which is an urban zone where light industrial activities are enabled. Further, despite the definition of rural industry referring to the rural environment, rural industry has the potential to result in more significant discharges, odour or noise which would not be consistent with the purpose of the LIZ, and therefore inconsistent with the objectives and policies. We have commented more specifically on the additional objective and policy Ms McMillan’s evidence proposes to be added to the LIZ in section 10 of this report.
100. It is worth noting that whilst we fundamentally disagree that providing for rural industry is appropriate in a LIZ, there are activities which are enabled in the LIZ (through the PDP provisions) which may also be considered to be “rural industry”, i.e. they support (directly or indirectly) primary production. For example, light industrial activities might include small scale manufacturing or processing of primary produce. Furthermore, the LIZ enables yard-based sales, which might include farm equipment (tractors etc) or products (fence posts etc).
101. The purpose of rural industry is to provide for some degree industry within a rural zone to support primary production which is the most significant activity within the rural environment. There will of course be activities located in other zones such as General Industrial, Light Industrial or Mixed Use which also support primary production, however, these activities are not “rural industries” by definition because they are based in urban zones, therefore they are industrial or light industrial or commercial activities.

Zoning options

102. In her evidence Ms McMillan has evaluated three options for the zoning of the site as follows:

- a. Option 1 – retaining the zoning as proposed under the PDP
 - b. Option 2 – rezoning the land as shown on the McNab Property Proposed Zoning Plan (refer to figure 3 above).
 - c. Option 3 – Rezoning the land as shown in figure 3 but without the McNab Precinct Overlay.
103. Ms McMillan identifies that option 1 does not sufficiently provide for industrial / service land over the short, medium and long term. In particular, she identifies “a notable lack of rural industry land available.”⁸ However, it is unclear whether consideration has been given to the Mātaura Rural Industry Precinct which provides for approximately 238ha of land for larger scale rural industry and that rural industry and some limited commercial activities are enabled within the General Rural Zone.
104. Ms McMillan identifies that option 2 is the preferred option and assesses the economic benefits as being a boost in future rural industrial land supply particularly larger lots suited to the rural industrial sector and supporting the ongoing growth of agricultural and other key economic sectors. Other economic benefits include leveraging the sites’ location and potential synergies with other land uses; one off economic impacts of construction; ongoing economic impact of new industrial activity sustained on site; and enabling the land to be put to higher and better use.
105. Ms McMillan also identifies the environmental costs of the new LIZ with Rural Industry Overlay as being moderate to high on the basis that *“the more intensive use of the site has the potential to lead to a higher level of effect on groundwater quality, air quality, noise levels and amenity. The direction of proposed policy LIZ-PREC3-P1 will mitigate that risk with a focus on green engineering required to be adopted.”*⁹
106. We have specifically considered LIZ-PREC3-P1 below in section 10 and identified that it is unclear how the policy will be given effect to. Further, if the intention is to manage noise levels and amenity, it is unclear how this is achieved within an urban zone where high density development is enabled.
107. Finally, Ms McMillan has identified that there is not expected to be a *“high social or cultural cost associated with the LIZ zoning.”* We have considered effects on cultural values below and find that the LIZ zoning is generally at odds with the Ngā Hua o Āpiti Hono Tātai Hono Report.
108. In relation to Option 3 the assessment is relatively high level and concludes that it is not an effective or efficient method of achieving the strategic direction or relevant provisions of the PDP, although the reasons for this are not provided in detail. In relation to this option, it is unclear whether Ms McMillan has considered how light industrial activities might also support primary production. As we have identified above there are a range of activities which would likely be considered ‘light industrial activities’ which may also be rural industry – the difference is where they are based i.e. rural industry is based in the rural environment.

⁸ Evidence of Christine McMillan, Section 32 Evaluation – Option 1, page 31.

⁹ Evidence of Christine McMillan, Section 32 Evaluation – Option 2, page 34.

109. However, a further option which has not been considered in the s32 evaluation would be to retain the GRUZ, similar to the PDP planning maps, but apply a McNab Precinct over this zone to enable rural industry (which is already enabled in the GRUZ but could be enabled on a larger scale) and provide for other limited light industrial / rural retail type activities. This zoning option is shown in Figure 4 below and in full in **Appendix C** and is also discussed in relation to specific PDP provisions in section 9 of this report.

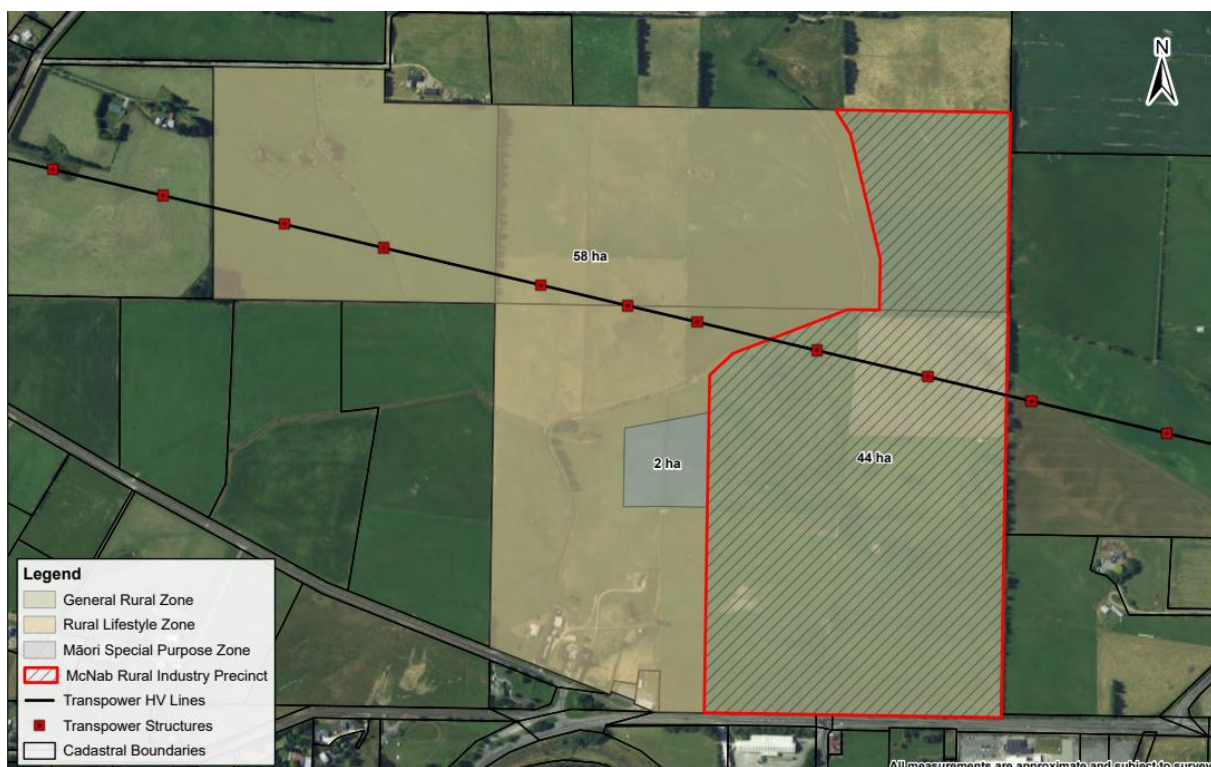


Figure 4 – Recommended zoning options for MML site

Conclusion

110. In our view a far better outcome rather than the evidence plan zoning proposed by the submitter, would be to retain the GRUZ but apply a precinct (as shown in figure 4 and Appendix C) to enable Rural industry and other more specific activities, given the PDP GRUZ already enables certain industrial and commercial activities. This approach would provide for outcomes sought by the submitter and would, we consider, remove the issue of scope and retain the rural character amenity values. It appears that this approach also aligns with other considerations such as effects on cultural values and traffic effects and the approach in our opinion appears to be supported by the submitter’s economic analysis.
111. We do not consider it appropriate to provide for a LIZ or rural industry precinct on the 2ha area of land north of McKinnon Road because this small area of land would become something of a ‘spot zone’ surrounded by Rural Lifestyle Zone. The Tonkin & Taylor (T&T) flood report further identifies this area as being subject to high flood risk. Whilst flood hazard will be managed through the Natural Hazard Chapter, given the small scale of the zoning, there would be limited opportunities to avoid the flood hazard risk as it appears to cover the entire zone.
112. There appears to be no clear rationale or justification for this zoning and for the above reasons it is not supported.

Ngāi Tahu Cultural Values

113. The submitter seeks that Te Ika Rama Marae MPZ be moved as part of their wider proposal for the site. Te Ika Rama MPZ is home to O Te Ika Rama Marae, a Ngāi Tahu marae affiliated with Hokonui Rūnanga. The *Ngā Hua o Āpiti Hono Tātai Hono report* repeatedly references the relationship mana whenua have with this area and this link with O Te Ika Rama Marae. Of particular relevance here is the following recommended management consideration listed in the aforementioned report:

“Mana whenua values, aspirations, & expectations (including mātauranga Māori) should be incorporated in any decision-making for this site to combat the historic active exclusion of mana whenua voices in previous land-use planning decisions.”¹⁰

114. The original MML submission [S103] provided no information on if or how Hokonui Rūnanga had been involved in developing this proposal. Hokonui Rūnanga Inc also did not lodge a further submission indicating their support or otherwise for this proposal.
115. Ms McMillan’s Statement of Evidence, lodged on behalf of MML, makes several references to mana whenua involvement in this proposal. It repeatedly states that the rezoning has been prepared and considered in conjunction with Hokonui Rūnanga. It does not, however, provide any evidence of this, such as letters of support from Hokonui Rūnanga or mana whenua-led cultural assessments for their proposal. This, when viewed in conjunction with the lack of supportive further submissions from Hokonui Rūnanga Inc., continues to concern us.
116. Putting this concern aside, there does seem to be merit in the submitter’s proposal to move Te Ika Rama Marae MPZ [S103.002]. As Ms McMillan correctly states, the proposed Te Ika Rama Marae MPZ has more restrictive provisions than other proposed MPZ due to the flood risks at this location. We agree to some extent with Ms McMillan that, *“This has the result that mana whenua are unable to utilise their land for activities which support Māori values and aspirations”*. Whilst Māori Customary Activities, Marae or Papatipu Rūnanga Complex, Conservation Activity, Education Facility, and Primary Production are all proposed as permitted activities at Te Ika Rama Marae MPZ, Cluster Housing, Residential Activity, Community Facility, Commercial Activity, and Visitor Accommodation are all proposed as restricted discretionary activities due to the flood risk.
117. We do note, however, that the Submitter’s original submission did not seek all these activities be converted to permitted activities at Te Ika Rama Marae MPZ. This matter is discussed in more detail below at Section 12.
118. Moving this MPZ to an area with lower flood risks would therefore allow a wider range of activities to be considered for this MPZ, as the reason for restricting some activities would no longer be valid. This, in turn, would better enable mana whenua to express their rangatiratanga over the way the site is used. Therefore, we support the proposed relocation of O Te Ika Rama

¹⁰ *Ngā Hua o Āpiti Hono Tātai Hono: Various locations within Gore District*. May 2022. Pg. 15.

Marae MPZ, subject to a formal letter of support being tabled by Hokonui Rūnanga Inc. confirming that they are supportive of this proposal.

119. Additionally, the submitter proposes a new zone classification – “Mahinga Kai Special Purpose Zone” – as part of their development concept proposal in the original submission [S103.002]. This zone classification does not exist in the PDP or the National Planning Standards (although it is acknowledged that Special Purpose Zones are provided for by the National Planning Standards more generally), and S103.002 does not provide a policy framework for this proposed new zone.
120. The evidence of Ms McMillan does, however, provide further information on this proposed Zone. First, she clarifies that they are now seeking an Overlay as opposed to a Zone. The Submitter proposes that this overlay augment provisions in the Rural Lifestyle Zone and Light Industrial Zone to restrict most structures from being located within the overlay and require landscaping on sites adjoining it. Of most prominence is their proposed new policy, RLZ-P10:

“Avoid activities and structures, except bridges and their footings, within the Mahinga Kai Overlay at McNab unless for the purposes of Māori customary activities, access, stormwater or flood plain management.”

121. The above policy is then supported by a new rule making “any buildings or structures within the Mahinga Kai overlay at McNab other than access roads, bridges and their footings, or for the purposes of Mahinga Kai or stormwater and floodplain management” a non-complying activity.
122. Based on this additional information provided by Ms McMillan, this overlay clearly aligns with the cultural values of the site. The Submitter’s proposed Mahinga Kai Overlay follows a stream that runs through the site. The *Ngā Hua o Āpiti Hono Tātai Hono* report recommends prioritising land uses that “accommodate for water – not attempt to dominate it”.¹¹ This report also recommends avoiding activities that further degrade or negatively impact the restoration of mahinga kai values in the area, and requiring strong interventions to ensure heavy metals and the pollutants do not enter the Waikaka stream or any other tributary to the Maitake river.¹²
123. I note that the Rural Lifestyle Zone chapter already restricts development within stream setbacks, with “effects on Ngāi Tahu cultural values”, “the natural character of the riparian margin and the effects of the activity on landscape values and the ability to restore, rehabilitate or enhance riparian areas” and “effects on public and customary harvest” listed as matters of discretion for any activity proposed within the setback. “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” is also listed as a matter of discretion for activities within the stream setback. The latter works in tandem with the Natural Hazards chapter which contains several policies directing development in flood-prone areas to be managed or avoided.
124. There seems to be a significant level of overlap between the protections the proposed overlay provides, and the protections listed rivers and streams are afforded under existing PDP setback

¹¹ *ibid.*

¹² *ibid.*

provisions. Because of this overlap, I query whether the stream the proposed Mahinga Kai Overlay follows could be given a similar level of protection by listing it in Appendix 3 River and Stream Order of the PDP. This would attach the existing setback rules outlined above to this waterway, avoiding the need for a new overlay tool to be added to the PDP. Introducing a new, bespoke tool to the PDP – in this case a Mahinga Kai Overlay – seems unnecessary when an existing tool within the PDP could be used to achieve the same outcome. By limiting the number of overlays and other tools within the PDP, we ensure that the plan is as simple and straightforward as possible for plan-users to understand.

125. For this reason, whilst I agree that the intent of the Mahinga Kai Overlay aligns with the cultural values of the area, I do not support adding a Mahinga Kai Overlay to the PDP Planning Maps. Instead, I support including the waterway it follows to Appendix 3 of the PDP so that the existing RLZ-S7 waterway setback rules apply to it. If the Submitter can show how this Overlay will meaningfully alter the way activities are managed in this location compared to managing it under RLZ-S7, I will reconsider this position.

Traffic

126. The submitter has provided a Traffic Assessment from Jason Bartlett which considers the entirety of zoning on the site in accordance with the evidence plan provided with Ms McMillan's evidence. At **Appendix H** a Traffic Assessment from Abley is provided which considers the traffic effects of the zoning shown in Figure 6 below and **Appendix D** (Plan 2 - Alternative Option).
127. We did not ask Abley to consider the full 44ha light industrial zone proposed through the submitter's evidence due to our concerns over scope for this rezoning and our lack of general support for the extent of LIZ as proposed through evidence.
128. There appears to be general agreement from both Mr Bartlett and Abley, supported also by NZTA, that direct access onto the State Highway is not appropriate. We accept this advice and note that the submitter has proposed a new standard (LIZ-S11) to be included within the Light Industrial Zone Chapter. The details of this new standard are assessed in section 10.
129. In relation to the traffic effects of the proposed zoning, a GRUZ would likely have lower traffic effects as a result of larger lot sizes and greater limits on activities. A LIZ, which provides for higher density development and activities which may have higher trip generation is likely to have greater impacts on traffic safety in the vicinity of the site.
130. Given the generally accepted and agreed position is that direct access onto State Highway 1 is not appropriate both Mr Bartlett and Abley have considered alternative options and agree that a primary site access onto McKinnon Road would be appropriate, subject to upgrades to the intersection with State Highway 1.
131. Having assessed a much larger area of Light Industrial zoning as per the submitters evidence plan Mr Bartlett (in consultation with NZTA) has also considered triggers for further assessment of traffic effects is appropriate and this requirement is included in LIZ-S11. We asked Abley to consider if these triggers would be necessary based on the submission zoning plan and they concluded that they were not required, although any upgrades to the intersection should be undertaken prior to development within the Light Industrial Zone area.

132. Abley have also noted that Mr Barlett's assessment indicates that the existing short right turn lane on the SH1 eastern approach will need to be lengthened to become a full length right turn lane, however, this is not discussed further within the body of his evidence. Abley recommend that extending the current short right turn bay be considered as part of the overall intersection upgrade.
133. Overall, Abley conclude that *"on that basis we consider that the impacts of 10Ha of light industrial development on the State Highway 1 / McKinnon Road intersection can be supported subject to intersection upgrades as proposed by the submitter with the addition of an extension to the existing right turn lane. This will provide a safer outcome by enabling more dedicated deceleration space for right turning vehicles from the north."*¹³
134. Abley also recommend¹⁴ the following:
- *Access to the wider transport from the rezoning Site be via McKinnon Road and not via Ballast Road / SH1 directly.*
 - *The SH1 / McKinnon intersection should be upgraded to include a channelised left turn lane and extend the current channelised right turn lane in accordance with Austroads design standards prior to any development on the 10 Ha site.*
 - *Should further development be undertaken on the site beyond the 10 Ha in the original submission, further upgrades may be required.*
 - *The left turn lane from SH1 into McKinnon Road should be designed to substantially reduce the speed of turning vehicles, minimising the potential for conflict with vehicles turning into or out of Talbot Street.*
 - *A potential new intersection at the current elbow in McKinnon Road should give priority to traffic entering and exiting the rezoning site. This improves sight distances and would in our view provide the safest outcome.*
 - *NZTA as the road controlling authority for SH1 should be consulted to ensure their maintenance programme would eliminate the potential for vegetation to obscure the view of vehicles turning into / out of McKinnon Road.*
 - *Additional assessment is required to understand the potential effects on Wentworth Road and Talbot Road.*
 - *Noting that the development is within cycling distance of Gore, any opportunities to provide safer environment for cycling to the site (such as reducing vehicle speeds) would support mode choice. However, we consider that the provision of dedicated cycle facilities between the site and Gore is not required to support the development.*

Economic

135. The submitter has provided an Economic Assessment from Fraser Colgrave of Insight Economics. Mr Fraser considers the *"likely economic costs and benefits of enabling a small number of targeted non-residential activities to gradually establish over time."* Mr Colgrave concludes that agriculture and supporting industries are vital to the Gore District economy and there is a

¹³ Proposed Gore District Plan – McNab Management Submission – Transportation Review, 6 November 2024, page 9

¹⁴ Proposed Gore District Plan – McNab Management Submission – Transportation Review, 6 November 2024, pages 13 - 14

notable lack of industrial land, including land for rural industry, available within the District. Mr Fraser notes that the proposal seeks to address the shortage of rural industry land supply, including the provision of larger lots generally not available elsewhere.

136. Key take aways from Mr Fraser's report are the need for larger lots and land for rural industry. It's unclear whether Mr Fraser has taken account of the Mataura Rural Industry Precinct which covers approximately 238 hectares of land. The Mataura Rural Industry Precinct provides for small and large scale rural industry and is situated close to Mataura and State Highway 1. It therefore has comparisons to the submitter's site.
137. It is also unclear from Mr Fraser's report how there is an economic justification for 44.3ha of light industrial zone (which as noted elsewhere is a higher density urban zone) when the report identifies a need for larger land area for rural industry. Clearly it is at the landowner's discretion whether they subdivide down to the permitted level within the light industrial zone and so larger lots could be retained. However, future landowners may prefer to re-subdivide these larger lots or seek resource consent for other activities. Mr Fraser's evidence does not indicate a demand for smaller lot sizes as enabled through the LIZ.
138. Whilst we don't disagree with Mr Fraser's expert evidence, as noted elsewhere, there appears a somewhat confused correlation between larger lot rural industry development and what has been proposed in terms of an urban Light Industrial zoning.
139. We also note that there has been no economic evidence to support the additional 17ha of Rural Lifestyle Zone.

Servicing

140. The submitter has provided expert evidence from Justin Ralston, Senior Civil Engineer at Airey Consultants Limited. Mr Ralston has considered how development on the site might feasibly be serviced with potable water, stormwater and wastewater.

Water Supply

141. Mr Ralston identifies two options for source of water, a bore or connection to Gore District Council's water supply. It is unclear whether Mr Ralston has taken into consideration the report prepared by WSP¹⁵ for the PDP which considered the effects of additional development on Council's water supply. Although we acknowledge this did not specifically consider water at the submission site.
142. Mr Ralston states that although bore testing at Mataura Valley Milk indicated ground water was not a suitable option, a bore drilled in the northern end of the McNab site is likely to be fed from a different source and therefore may be suitable. However, we note that consent for a water take would be required from Environment Southland and it is unclear whether water could be taken at sufficient volumes to service a higher density industrial zone.

¹⁵ GDC Future Development Modelling Assessment – Water Supply, WSP, 19 October 2022 – available at [Technical Reports | Let's Talk Gore District](#)

143. Mr Ralston considers as an alternative a connection to Council's Reservoir in Talbot Street to the south west of the site could be made. Mr Ralston notes that this option may have additional benefits to the community by allowing other nearby landowner to connect to reticulated supply and providing for further intensification. It is unclear whether this option would be economically viable although we note previous advice from Council staff¹⁶ indicate that "moderate investment" would be required, indicating it could be achievable. Further, the positive effects for other development opportunities in the area would mean it could be a desirable outcome.

Wastewater

144. Mr Ralston considers that within the Rural Lifestyle Zone onsite wastewater servicing would be appropriate.
145. Mr Ralston considers that in relation to the light industrial zone the ultimate wastewater flows could vary. We agree and given the zone provisions provide for high density development we consider flows could be significant if the land were developed to its full capacity. Mr Ralston considers that in the long term connection to Council's wastewater network if flows were high would be appropriate.
146. Mr Ralston notes, that again connection to Council's network could have long term benefits to the wider community. Whilst we agree with this in principle, we are again unsure whether connection would be economically feasible. Council's staff have advised that reticulated wastewater connection would be reasonably challenging and capacity issues would need to be overcome¹⁷. As part of preparing the PDP, Council commissioned WSP¹⁸ to provide an assessment on wastewater management for development areas, this report highlighted a general lack of capacity within the network.

Stormwater

147. Mr Ralston considers that either separate stormwater controls for different areas of land zoning could be appropriate, or, an 'end of line' stormwater control could be provided at the low point of the site, in the form of 3 terraced ponds or wetland areas.
148. At this stage, as it is unclear how development will occur and whether it will be possible to allow for integrated development which provides an 'end of line' system we consider it sufficient to acknowledge that there are solutions.
149. Whilst an integrated approach seems to provide positive outcomes the submitter has not offered any measures as to how this could realistically be achieved if development happens in stages. Within the PDP Development Areas, a more holistic approach to matters such as overall stormwater management can be taken, as shown in the Gore West Residential Development

¹⁶ Email from Jason Domigan to Lynda Murchison Monday 13 May 2024 (refer to Appendix J)

¹⁷ Email from Jason Domigan to Lynda Murchison Monday 13 May 2024 (refer to Appendix J)

¹⁸ GDC Future Development Modelling Assessment, WSP, 3 October 2022 – available at [Technical Reports | Let's Talk Gore District](#)

Area and this is something the submitter could consider. Although it is unclear whether there is scope or opportunity for a development area approach on the site.

Conclusions

150. It appears that whilst there are options for how servicing can be achieved onsite. It is unclear whether connections to Council's reticulated network would be economically viable and how this would work in practice through development in terms of funding upgrades. Higher density development is likely to be limited where onsite servicing solutions are necessary and it may not be desirable from an environmental and cultural values perspective to have high levels of onsite wastewater discharge.
151. However, these appear to be issues that could be worked through during development. We generally recommend that limiting the density of development is likely to be more appropriate given servicing constraints. Therefore, a small area of urban (light industrial zoning) with a higher proportion of lower density 'rural' development would likely be more appropriate.
152. Overall, it would seem that an integrated approach to development would be beneficial in terms of managing servicing, although it's unclear how realistic that is within the parameters of what the submitter is seeking by way of PDP amendments.

Natural Hazards

153. Flood hazard has been assessed by T&T in their report provided in **Appendix I**. It is important to note that this assessment is high level and should not be applied on a site specific basis and has a range of limitations.

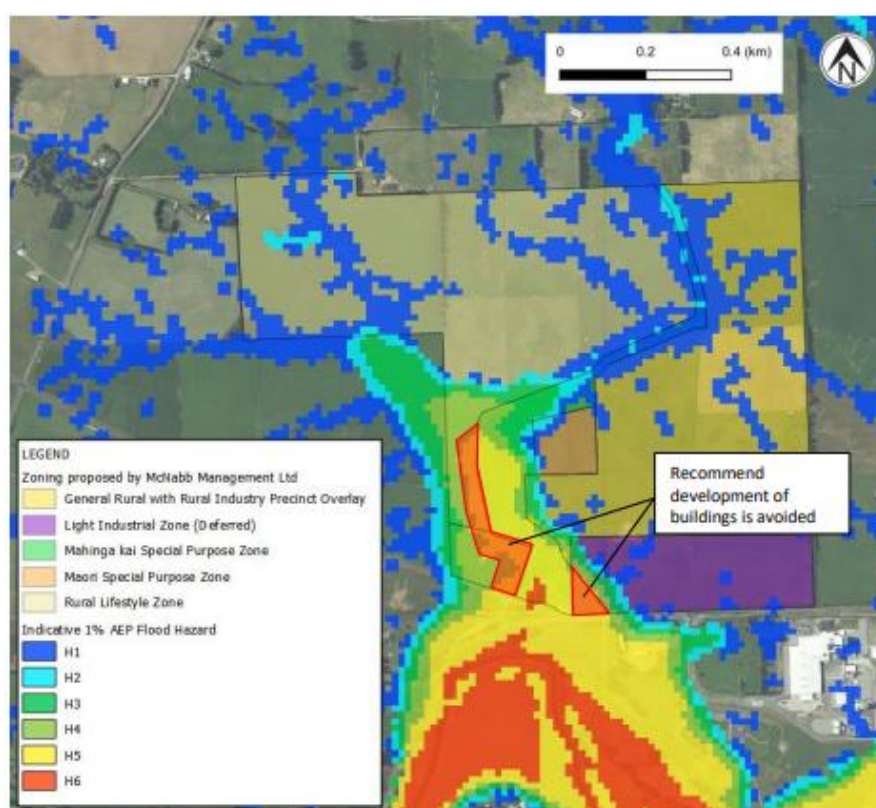


Figure 5 – 1% AEP flood hazard mapping (source T&T Flood Assessment page 7)

154. However, as shown in figure 5 above, the report does indicate that the lower south western corner of the site is subject to more significant flood hazard risk. This supports the case for relocating the MPZ.
155. The modelling does not support the proposed small area (2ha) of light industrial zoning in the south west corner of the site because it appears this zone is entirely at risk of high flood impact. Whilst the Natural Hazard Chapter will direct how activities and buildings are managed within higher flood risk areas, proposing a zone where there is no opportunity to locate activities outside of the high flood risk area does not seem, in our view, a sensible approach.
156. We acknowledge that the submitter has sought advice from Environment Southland. However, this appears to relate only to the Rural Lifestyle Zoning although there is a comment which states *“Environment Southland’s preference would be for the proposed transport yard to be located on flood free land. However, utilisation of the existing farm buildings for the transport yard is noted.”* It is assumed that the reference to ‘transport yard’ is a reference to the 2ha Light Industrial Zone. Whilst the submitter may have a proposed use for the area now (as a transport yard) if the site is rezoned it effectively enables and provides for other activities and signals a longer term option for urban development on the site.
157. The flood hazard risk has, therefore, informed our recommendation not to zone this area light industrial with a rural industry precinct. Instead, we consider a rural lifestyle zone more appropriate to reflect the surrounding zone and enable for any future subdivision to be more comprehensively considered with larger lots that can ensure built development is undertaken in an area where there is a lower flood risk or a more integrated approach can be adopted to managing flood risk effects.

Recommendation

158. We have assessed the submission and evidence zoning above in relation to activities and amenity outcomes, traffic effects, cultural values, natural hazards, servicing and economic costs and benefits.
159. Notwithstanding the issue of scope in relation to the Light Industrial zoning we consider that there is likely to be benefit to the district in providing some additional land for rural industry and light industrial activities. This takes into account the fact that some land may be lost in the Gore South Industrial Zone as a result of managing natural hazard risks and likewise some land in the Mataura Rural Industry Precinct may be unable to be developed due to geotechnical constraints.
160. However, overall we can find no clear justification for providing 44.3ha of Light Industrial Zone. As highlighted above rural industry, by virtue of its definition is not appropriate within a Light Industrial Zone, therefore, providing for a General Rural Zone with a Rural Industry Precinct, would in our view more successfully provide for the outcomes the submitter is seeking in terms of activities (which are considered elsewhere in this report).
161. For the reasons given above we recommend the following:
- f. The relocation of Te Ika Rama Marae MPZ is accepted and the notified PDP MPZ is zoned Rural Lifestyle, subject to a letter of support being received by the Hearings Panel from Hokonui Rūnanga Inc.

- g. The Mahinga Kai Overlay as shown on the evidence plan is rejected but the stream it covers is listed in Appendix 3 of the PDP.
 - h. The Light Industrial Zone as shown on evidence plan and submission plan is rejected.
 - i. Additional Rural Lifestyle Zone is accepted.
 - j. A Rural Industry Precinct (PREC15) as shown on the submission plan is accepted in part with the recommended precinct area shown in Figure 4 above and in full on the plan in **Appendix C**.
 - k. Retain the Rural Lifestyle Zone in accordance with the notified PDP.
162. However, notwithstanding the above we acknowledge that an underlying zone of General Rural with a Rural Industry Precinct may limit future subdivision potential as the PDP requires consent as a non-complying activity for creating allotments which are less than an 8ha. Therefore, if the submitter is able to reconcile a LIZ with the Ngā Hua o Āpiti Hono Tātai Hono Assessment recommendations and considerations, then as an alternative the area shown as Light Industrial on the submission plan may be appropriate, although this is not our recommended approach at this stage.
163. This alternative zoning is shown in Figure 6 below and in full in **Appendix D**.

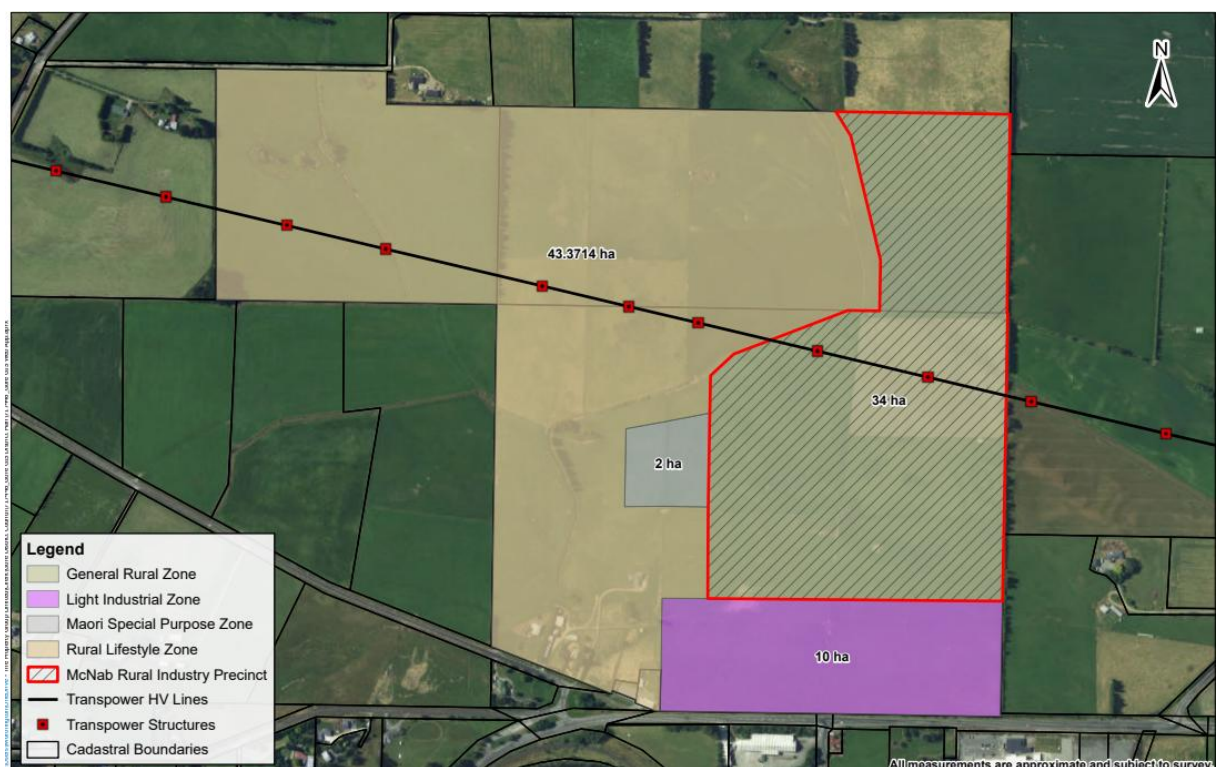


Figure 6 – Rezoning Alternative Option

164. If the submitter can justify the LIZ as per figure 6, then they should also consider whether it is appropriate, taking account of the Ngā Hua o Āpiti Hono Tātai Hono Assessment, to adopt the

LIZ as notified within the PDP¹⁹, subject to conditions relating to access from the state highway, or whether additional measures would be appropriate. These additional measures might include restricting activities (as proposed through evidence – except in relation to those that support primary production), increasing setbacks and density requirements and providing landscape buffers at the zone boundary.

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

9. Submissions on General Rural Zone

Matters raised by Submitter

Overview and Purpose

166. Submission s103.005 seeks to amend the General Rural Zone Overview and Purpose to add an additional paragraph to refer to the purpose of the new Rural Industry Precinct sought by the submitter at 10 McKinnon Road:

A second Rural Industry Precinct (PREC14) is located on McKinnon Rd, McNab which is also identified as suitable for larger scale rural industry activities that support, service or are dependent on primary production. This Rural Industry Precinct is located alongside existing rural industrial activities and main transport links and has been identified to provide for actual and anticipated demand for land for rural industrial activities.

Part of this this Rural Industry Precinct has an underlying Light Industrial Zone. This zoning is deferred until the relocation of Te Ika Rama Marae and the availability of appropriate infrastructure, including a new access road off the Waipawa Highway/SH1. Therefore, land use development in this precinct is a controlled activity and subject to a concept plan that provides for potential infill development and subdivision in the future if the Light Industrial Zoning becomes operative.

Objectives

167. Submission s103.006 seeks to amend GRUZ-PREC13-O1 to refer to the new Rural Industry Precinct at 10 McKinnon Road and add a new policy (referred to in the submission as a policy but with an objective number and under a submission on 'objectives') to provide specific direction for plan users and decision makers as to the outcomes for the new precinct:

GRUZ-PREC13 & 14 -O1: The Rural Industry Precincts enable larger scale rural industry which supports, services that or depend on primary production, and provide for the economic well-being of the community.

¹⁹ Subject to amendments recommended through the hearing process.

GRUZ-PREC14-O2: The Rural Industry Precinct at McNab is part of an integrated development that fosters environmental restoration and enhancement, and is integrated with surrounding land uses.

Policies

168. Submission s103.007 supports in part GRUZ-PREC13-P1 and seeks an amendment to include the word Mātaura:

Enable the establishment of larger scale rural industry activities within the Mātaura Rural Industry Precinct ...

169. Submission s103.008 seeks an additional Policy to be added to the General Rural Zone Chapter to provide for the new Rural Industry Precinct at 10 McKinnon Road:

Enable the establishment of rural industrial activities within the McNab Rural Industry Precinct provided:

1. there is no direct access off SH 1;
2. appropriate infrastructure is provided for drinking water, and wastewater treatment and disposal;
3. stormwater is detained on-site to avoid exacerbating flood risk;
4. development of the area proceeds in accordance with a concept plan which:
 - promotes energy and water use efficiency and reduced greenhouse gas emissions;
 - enhances biodiversity and mahinga kai on site;
 - retains options for productive use of the land where possible; is sympathetic with the character of the site and surroundings including Te Ika Rama Marae;
 - minimises potential reverse-sensitivity effects with adjoining land uses; and
 - enables future subdivision and in-fill development in that area which is deferred Light Industrial Zoning

Rules and Standards

170. Submission s103.009 seeks to add an additional rule in the General Rural Zone to provide for activities within the new Rural Industry Precinct at 10 McKinnon Road as a controlled activity because the submitter considers greenfield developments of this nature should be subject to a concept plan which enables the consent authority to ensure any development implements the plan policies.

GRUZ-PREC14 – Land uses in McNab Rural Industrial Precinct

Activity status: Controlled

171. Submission s103.010 seeks to add a new standard in the General Rural Zone for activities within the Rural Industry Precinct at 10 McKinnon Road to ensure development is managed subject to a concept plan as noted in submission s103.009.

GRUZ-PREC14-S1: Rural Industry Precinct McNab:

1. The activity complies with all rules for permitted activities which apply to the GRUZ-PREC13 Rural Industry Precinct.
2. A concept development plan is submitted with the application showing the proposed layout of the Rural Industrial Precinct.
3. The concept development plan shows an underlying proposal for infill development of the area zoned deferred Light Industrial Zone.

Matters of control:

1. The appropriateness of the provisions for access, infrastructure, building platforms, and the underlying infill development plan.

Activity status where compliance is not achieved:

Discretionary activity.

172. Submission s103.014 supports the Rural Lifestyle Zone but seeks an additional policy to specific provide for the Rural Lifestyle Zone at 10 McKinnon Road because the submitter considers policies RLZ-P3, RLZ-P4 and RLZ-P9 are inconsistent in relation not whether activities and amenity values should align primarily with a rural or residential environment.

RLZ - P10: In the Rural Lifestyle Zone at McNab, rural lifestyle development maintains the rural character of the area and facilitates pastoralism, agriculture, horticulture and mahinga kai.

Further submissions

173. NZTA (FS14.058, FS14.027, FS14.028, FS14.029, FS14.030, FS14.031, FS14.059) opposes the McNab Management submissions (s103.002, s103.005, s103.006, s103.008s 103.009, s103.010, s103.029) and seek that they are disallowed.

Assessment

174. In considering a response to the above submission points we have considered the amendments sought to the Light Industrial Zone within Ms McMillan's evidence. Although these are more specifically assessed below in section 10 there appears to be some alignment between the objectives and policies sought through submission for the GRUZ and the objectives and policies sought through Ms McMillan's evidence for the LIZ.
175. Overall, as we have deemed it more appropriate that the zoning be GRUZ with a Rural Industry Precinct we have favoured the submission amendments to the GRUZ but in considering our response and recommended amendments we have taken account of the amendments sought to the LIZ Chapter.

Overview and Purpose

176. In response to submission s103.005 to amend the General Rural Zone Overview and Purpose, as it is recommended to accept a Rural Industry Precinct at the site it is considered appropriate to amend the Overview and Purpose to reflect this additional precinct. However, as it is not proposed to accept the deferred light industrial zoning I recommend amendments to the overview and purpose to align with the outcomes sought through the submission and be consistent with the commentary on other comparable precincts:

McNab Rural Industry Precinct (PREC15)

A Rural Industry Precinct applies to an area of land north of State Highway 1 and Ballast Road which has been identified as being suitable for larger scale rural industry activities that support, service or are dependent on primary production. These activities will support the purpose of the General Rural Zone and provide for the economic well-being of the District. However, consideration should be given to how activities may impact on the adjoining Rural Lifestyle and Māori Purpose Zone and as such comprehensive development integrating landscape buffers and screening with green infrastructure opportunities considered.

177. We recommend a consequential amendment to the wording within the Overview and Purpose for the Rural Industry Precinct (PREC13) to distinguish it from the new McNab Rural Industry Precinct.

Mataura Rural Industry Precinct (PREC13)

178. This amendment aligns with submission s103.007 which seeks to add the word 'Mataura' before Rural Industry Precinct in GRUZ-PREC13-P1.

Objectives

179. In response to submission s103.006 to amend GRUZ-PREC13-O1 to refer to the new Rural Industry Precinct at 10 McKinnon Road and add a new objective (referred to in the submission as a policy but with an objective number and under a submission on 'objectives'), given we have recommended that the Rural Industry Overlay be accepted we accept that amendments to the objectives are appropriate to facilitate the overlay and integrate it into the GRUZ provisions.
180. We accept in part the submission, however, we consider that the wording of GRUZ-PREC14-O2 as proposed by the submitter is inappropriate as it is unclear, based on the scope of the submission and evidence provided, how the requirement for integrated development would be achieved.
181. We also consider that a standalone objective for the McNab Rural Industry Precinct would be more appropriate to avoid any confusion. We acknowledge this results in a duplication between the new objective and the existing objective GRUZ-PREC13-O1, however we consider this a clearer option for Plan users and decision makers.

GRUZ-PREC13 & PREC15 -O1: The Rural Industry Precincts enable larger scale rural industry which support, service or depend on primary production, and provide for the economic well-being of the community.

182. Further, we recommend the following amendment to GRUZ-PREC13-O1 and a new objective as follows:

GRUZ-PREC15-O2: The McNab Rural Industry Precinct is developed in a manner which manages adverse effects on nearby sensitive activities whilst providing for rural industry and other compatible activities which support rural activities within the district.

183. To align with these recommended amendments, we also recommend a consequential amendment to GRUZ-PREC13-O1 as follows:

GRUZ-PREC13-O1: The Mataura Rural Industry Precinct enable larger scale rural industry which support, service or depend on primary production, and provide for the economic well-being of the community.

184. This amendment aligns with submission s103.007 which seeks to add the word 'Mataura' before Rural Industry Precinct in GRUZ-PREC13-P1.

Policies

185. In response to submission s103.007 to amend GRUZ-PREC13-P1 to include the word Mataura this amendment is considered appropriate to make it abundantly clear that the policy relates to the Mataura Rural Industry Precinct. The submission is therefore accepted.

Enable the establishment of larger scale rural industry activities within the Mataura Rural Industry Precinct ...

186. In response to submission s103.008 to include an additional Policy we accept the submission in part on the basis that it would be appropriate to have a new policy to give effect to the new objective proposed.

GRUZ-PREC15-P1 Enable rural industry activities and other compatible activities which support the local rural economy within the McNab Rural Industry Precinct where:

1. Direct access from the State Highway 1 is avoided; and
2. Green infrastructure is adopted for the management of water supply, stormwater management and wastewater treatment and disposal; and
3. Landscaping buffers, green corridors, existing features and setbacks are utilised to mitigate adverse effects on the amenity values of nearby sensitive activities; and
4. Screening is established to avoid adverse effects from headlight glare on the State Highway.

Rules and Standards

187. In response to submission s103.009 to include an additional rule in the General Rural Zone to provide for activities within the new Rural Industry Precinct at the site we accept the submission in part and consider that a preferable approach would be to add reference to the new Precinct (PREC15) to Rule GRUZ-R4 which provides for Rural Industry as a controlled activity subject to conditions in the Mataura Rural Industry Precinct.

188. This would achieve the same outcome as the submitter sought by enabling rural industry as a controlled activity but align more closely with the policy direction and allow for triggering of the relevant GRUZ standards.

189. We recommend amendments as follows:

GRUZ-R4	Rural Industry	
PREC13 and PREC15 Rural Industry Precincts	Activity Status: Controlled where: Matters of control: 6. <u>In the Mātaura Rural Industry Precinct the ability to utilise and / or avoid areas of potential land subsidence.</u> 7. <u>.....</u> 8. <u>In the McNab Rural Industry Precinct the impacts on mahinga kai activities, indigenous species and natural character of waterways.</u> 9. <u>In the McNab Rural Industry Precinct the impacts on the amenity and Ngai Tahu cultural values of the O Te Ika Rama Marae Māori Purpose Zone.</u>	

190. In response to submission s103.010 to include a new standard in the GRUZ, we do not accept this submission on the basis that the recommended amendments to GRUZ-R4 provides for rural industry activities to comply with the same conditions as apply to GRUZ-PREC13. Furthermore, it is unclear how a concept development plan could reasonably be managed when development might happen over time. If a concept development plan approach was considered appropriate by the submitter then the best outcome would be to apply a development area overlay to the site, in the same manner as Gore South Industrial Development Area and Gore West Residential Development Area. However, this would require work to be undertaken at this stage to include an outline development plan and respective provisions within the Development Area Chapter which may be out of scope of the submission.

191. Overall, we consider that as any rural industry activity would require resource consent as a controlled activity, and the fact that our preferred recommendation is to not accept a rezoning of land to Light Industrial, there would be sufficient opportunity for consideration of how development may integrate with the surrounding environment and other activities, without requiring a concept plan.

192. We recommend some consequential amendments to standards to refer to the McNab Rural Industry Precinct as follows:

GRUZ-S1 Density

All areas except PREC13 Mātaura Rural Industry Precinct and PREC15 McNab Rural Industry Precinct

GRUZ-S2 Building Coverage

All areas except PREC13 Mataura Rural Industry Precinct and PREC15 McNab Rural Industry Precinct

PREC13 Mataura Rural Industry Precinct and PREC15 McNab Rural Industry Precinct

GRUZ-S3 Building Size

All areas

2. Any building for a rural industry activity in the Mataura Rural Industry Precinct must not exceed 10,000m²

3.

GRUZ-S4 Setback to side and rear boundaries

All areas

3. Buildings greater than 50 square metres are setback 200m, except for in the Mataura Rural Industry Precinct (PREC13) where the setback is 100m.

.....

GRUZ-S8 Height

All areas except PREC13 Mataura Rural Industry Precinct

PREC13 Mataura Rural Industry Precinct

193. In response to the further submissions from NZTA (FS14.027, FS14.028, FS14.029, FS14.030, FS14.031, FS14.059) we accept in part the further submission on the basis that we have rejected the submission for a light industrial zone and recommended that all rural industry activities are a controlled activity where there is no direct access to the state highway. The matters of control include consideration of the effects on the transport network. The policy direction seeks to avoid direct access onto the state highway which would result in access being diverted to McKinnon Road. However, through the resource consent process consideration can be given to the safe use of the intersection with the state highway.
194. Traffic effects are assessed in more detail in section 8 and section 10 in relation to the submitters proposed standard LIZ-S11.

Recommendation

195. For the reasons given above we recommend the following amendments to the General Rural Zone Chapter:

Overview and Purpose

.....

Mataura Rural Industry Precinct (PREC13)

McNab Rural Industry Precinct (PREC15)

A Rural Industry Precinct applies to an area of land north of State Highway 1 and Ballast Road which has been identified as being suitable for larger scale rural industry activities that support, service or are dependent on primary production. These activities will support the purpose of the General Rural Zone and provide for the economic well-being of the District. However, consideration should be given to how activities may impact on the adjoining Rural Lifestyle and Māori Purpose Zone and as such comprehensive development integrating landscape buffers and screening with green infrastructure opportunities considered.

GRUZ-PREC13-O1: The Mataura Rural Industry Precincts enable larger scale rural industry which support, service or depend on primary production, and provide for the economic well-being of the community.

GRUZ-PREC15-O1: The McNab Rural Industry Precincts enable larger scale rural industry and other compatible activities which support, service or depend on primary production, and provide for the economic well-being of the community.

GRUZ-PREC15-O2: The McNab Rural Industry Precinct is developed in a manner which manages adverse effects on nearby sensitive activities whilst providing for rural industry and other compatible activities which support rural activities within the district.

GRUZ-PREC15-P1 Enable rural industry activities and other compatible activities which support the local rural economy within the McNab Rural Industry Precinct where:

1. Direct access from the State Highway 1 is avoided; and
2. Green infrastructure is adopted for the management of water supply, stormwater management and wastewater treatment and disposal; and
3. Landscaping buffers, green corridors, existing features and setbacks are utilised to mitigate adverse effects on the amenity values of nearby sensitive activities.
4. Screening is established to avoid adverse effects from headlight glare on the State Highway

GRUZ-R4	Rural Industry
PREC13 <u>Mataura</u>	Activity Status: Controlled
Rural Industry	where:
Precinct <u>and</u>	.....
PREC15 <u>McNab</u>	Matters of control:
<u>Rural Industry</u>	.....
<u>Precinct</u>	

5. In the Mataura Rural Industry Precinct the ability to utilise and/or avoid areas of potential land subsidence.
6.
7.
8. In the McNab Rural Industry Precinct the impacts on mahinga kai activities, indigenous species and natural character of waterways.
9. In the McNab Rural Industry Precinct the impacts on the amenity and Ngai Tahu cultural values of the Te Ika Rama Marae Māori Purpose Zone.

GRUZ-S1 Density

All areas except PREC13 Mataura Rural Industry Precinct and PREC15 McNab Rural Industry Precinct

GRUZ-S2 Building Coverage

All areas except PREC13 Mataura Rural Industry Precinct and PREC15 McNab Rural Industry Precinct

PREC13 Mataura Rural Industry Precinct and PREC15 McNab Rural Industry Precinct

GRUZ-S3 Building Size

All areas

4. Any building for a rural industry activity in the Mataura Rural Industry Precinct must not exceed 10,000m²
5.

GRUZ-S4 Setback to side and rear boundaries

All areas

4. Buildings greater than 50 square metres are setback 200m, except for in the Mataura Rural Industry Precinct (PREC13) where the setback is 100m.
-

GRUZ-S8 Height

All areas except PREC13 [Mataura](#) Rural Industry Precinct

PREC13 [Mataura](#) Rural Industry Precinct

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

10. Amendment sought to Light Industrial Zone through Evidence

Matters raised by Submitter

197. The evidence from Ms McMillan seeks the following amendments to the LIZ Chapter:

LIZ-PREC3-O1 The McNab Precinct enables predominantly rural industry activities within a location in close proximity to the General Rural Zone and major transport corridors in order to support the purpose and function of that zone.

LIZ-PREC3-P1 Enable Light Industrial and rural service activities within the McNab Precinct in order to support the District's rural industry while managing adverse effects by:

1. Adopting green infrastructure for the management of water supply, stormwater management and wastewater treatment and disposal.
2. Avoiding multiple connections to the State Highway
3. Measures to mitigate adverse effects on amenity values of sites within the rural environment
4. Provision of landscaping features, including native vegetation for sites adjoining the Mahinga Kai Overlay which maintain or enhance biodiversity and cultural values within this area.

LIZ-R1	<i>Light Industrial Activity</i>	
LIZ-R2	<i>Trade and Industrial Training Facility</i>	
LIZ-R3	<i>Emergency Services Facility</i>	
LIZ-R4	<i>Service Station</i>	
LIZ-R5	<i><u>Rural Industry</u></i>	
All areas except McNab Precinct (PREC3)	LIZ-R1 to LIZ-R4 Activity status: Permitted Where: Any new, relocated, or extended <i>buildings</i> or <i>structure</i> complies with all Light Industrial Zone Standards except LIZ-S10.	Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: The matters of discretion for the relevant infringed standard.

McNab Precinct (PREC3)	LIZ-R1, LIZ-R2 and LIZ-R5 Activity status: Permitted Where: 2. <u>Any new or extended buildings or structure complies with all Light Industrial Zone standards except LIZ-S10</u> 3. <u>Light Industrial Activity is limited to one or more of the following:</u> a. <u>Logistics</u> b. <u>Storage and distribution of construction materials and supplies</u>	Activity status where compliance is not achieved: <u>Discretionary</u>

.....

LIZ-R6	<i>Food and Beverage Activity</i>	
All areas	.....	.....
LIZ-R7	<i>Residential Activity</i>	
	Activity status: Permitted Where 1. The activity is ancillary to the light industrial activity <u>or rural industry activity within the McNab Precinct (PREC13)</u> 2.	

.....

LIZ-R10	<i>Industrial Activity</i>	
Cremaoata Precinct (PREC2)	.....	.....
All areas except the Cremaoata Precinct (PREC2) and McNab Precinct (PREC3)	.....	.....
LIZ-R11	<i>Community facility</i>	

LIZ-R12	<i>Community corrections activity</i>	
LIZ-R13	<i>Entertainment and hospitality activities</i>	
LIZ-R14	<i>Healthcare activities</i>	
All areas except McNab Precinct (PREC3)	.....	.....

.....

LIZ-S11	Access	
Activities within the McNab Precinct (PREC3)	1. <u>Prior to the operation of any industrial or rural industry activity within the McNab Precinct a buffer or screen is to be established on or near the State highway 1 boundary to prevent light glare to drivers on State Highway 1 as a result of activities within the precinct. The buffer or screen may not result in shading of the state highway during winter months.</u> 2. <u>Prior to any operation of any industrial or rural industry activity within the McNab precinct a left turn lane shall be constructed to the satisfaction of NZ Transport Agency.</u> 3. <u>A traffic assessment must be undertaken prior to more than 30% of the McNab precinct (PREC13) being developed to assess:</u> a. <u>Any specific intersection improvements required at the Talbot Street intersection with McKinnon Road.</u> b. <u>Any requirement for alternative site access or route options as a result of projected traffic generation and</u> c. <u>The timing of implementation for any required alternative access or route options</u>	<u>Activity status where compliance is not achieved:</u> <u>Non-Complying</u>

	4. <u>A traffic assessment must be undertaken prior to more than 55% of the McNab Precinct being developed to assess:</u> a. <u>Any requirement for alternative site access or route options as a result of projected traffic generation and</u> b. <u>The timing of implementation for any required alternative access or route options</u>	
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Assessment

Objective and Policy

198. We do not consider the proposed objective LIZ-PREC3-O1 or policy LIZ-PREC3-P1 appropriate for the following reasons:

- a. The objective seeks to enable rural industry, as noted in section 8 of this report we do not consider rural industry is appropriate within an urban zone such as the LIZ.
- b. The objective refers to the purpose and function of the General Rural Zone, in our view it does not make sense to refer to the purpose and function of a different zone from the zone within which the objective sits. The objectives within the LIZ should support and relate to the purpose and function of the LIZ not another zone.
- c. The policy seeks to enable light industrial activities, however, the rule framework limits light industrial activities to two types of activities – logistics and storage and distribution of construction materials and supplies – in our view this does not equate to an ‘enable’ direction. Although it would allow for a potential easier pathway through resource consent approval.
- d. It is unclear what ‘rural service activities’ are as this term is not defined.
- e. The policy seeks to enable light industrial and rural service activities to support rural industry. As noted elsewhere in this report rural industry is not compatible with a LIZ and we are unclear how enabling light industry supports rural industry when they are two different activities.

- f. In relation to LIZ-PREC3-P1(3) it is unclear why there is a reference to 'rural environment' when a LIZ is not a rural environment²⁰. Policy LIZ-P4 sets out how amenity values within the LIZ are to be managed and maintained.
 - g. LIZ-PREC3-P1(4) includes reference to 'landscape features', including native vegetation for sites adjoining the Mahinga Kai Overlay – we have not recommended accepting the Mahinga Kai Overlay and note that LIZ-P4(3) relates to setbacks to waterways, however, there are no provisions either already included within or proposed for the LIZ which would require provision of landscaping features including native vegetation so it is unclear how this policy would be given effect to.
 - h. The National Planning Standards states that the purpose of a Precinct is to spatially identify and manage *"an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s)."* The objective does not appear to modify or refine the outcomes anticipated in the underlying zone but completely change them to have a focus on a rural environment and supporting rural industry.
199. As noted in section 8 we are generally supportive of a Rural Industry Precinct although only with an underlying zoning of General Rural because the activities then align with the purpose and function of that zone. We consider the outcomes sought by the submitter in relation to enabling rural industry are generally achieved by the amendments we have recommended to the GRUZ Chapter and planning maps to provide a rural industry precinct which generally aligns with the submission.
200. We do not accept the wording sought by NZTA in their evidence, for LIZ-PREC3-P1, partly on the basis that we do not accept that policy but also because the wording is unduly specific. As an alternative, we have recommended a more general matter relating to screening of the highway be included in our recommended GRUZ-PREC15-P1.

Rules

201. In relation to the inclusion of LIZ-R5 to permit rural industry, as noted elsewhere in this report we do not recommend this amendment because rural industry is fundamentally inappropriate within the LIZ. Instead, we have recommended that rural industry, at a larger scale than permitted in other areas in the GRUZ is provided for as a Controlled Activity within the GRUZ. This approach is consistent with the Maitāhara Rural Industry Precinct and in our view would achieve the outcomes sought by the submitter whilst managing adverse environmental effects.
202. The submitter's evidence does not make it clear why they are limiting light industrial activities only to logistics and storage and distribution of construction materials and supplies. These limited activities do not seem to align with the policy direction as it is unclear how they relate to rural service activities or rural industry. Further, as noted above, light industrial activities may also support rural activities and primary production and so could be enabled as an alternative

²⁰ Gore Proposed District Plan - Part 1, Interpretation – Rural environment is defined as *"Means land within the General Rural Zone, Rural Lifestyle Zone, Settlement Zone and Natural Open Space Zone."*

to 'rural industry'. Noting that we do not support the extent of LIZ proposed through evidence but subject to consideration of cultural values we could support the 10ha of LIZ proposed through submission.

203. Finally, it is unclear what a 'logistics' activity is as this is not defined. It is assumed that 'storage and distribution of construction materials and supplies' is comparable to a contractor's yard (provided for in GRUZ-R8) or a retail activity which is provided for in LIZ-R5(1)(d).
204. Overall, we consider that either some of these activities could be enabled within the McNab Rural Industry Precinct to support the outcomes sought by the submitter and acknowledging the Economic Assessment concludes that these would support the local economy.
205. Alternatively, if the 10ha LIZ was considered appropriate in relation to cultural values it may be appropriate to simply adopt the LIZ as notified on the basis that light industrial activities, and other activities enabled in the LIZ can also support the rural economy and primary production.
206. However, if the Panel is minded to accept that the 10ha Light Industrial Zone is appropriate then we do not recommend a Rural Industry Precinct is applied over the LIZ. As noted elsewhere in this report a Rural Industry Precinct would be at odds with the urban nature of the LIZ and the activities enabled within the LIZ Chapter are likely provide support (directly and indirectly) for primary production and the rural economy.
207. Furthermore, if the 10ha of LIZ is adopted, we do not recommend that the amendments to GRUZ-R8 and GRUZ-R9 are adopted for the remaining GRUZ area because the submitter would be enabled to undertake these activities within the LIZ which is considered sufficient to meet local economic demand.
208. However, as our preferred recommendation is for a GRUZ with a Rural Industry Precinct, we therefore recommend the following amendments to the GRUZ Chapter:

GRUZ-R8	<i>Industrial Activities (including Light Industrial Activities)</i>	
All areas except McNab Rural Industry Precinct	Activity Status Permitted .....	.....
PREC15 McNab Rural Industry Precinct	Activity status Permitted Where: 8. <u>The activity is a contractor yard, or the activity involves the manufacturing of primary produce produced on site (excluding activities that are defined as rural industry).</u> 9. <u>The activity is a transport yard.</u>	Activity status where <u>compliance is not achieved</u> <u>with:</u> <u>GRUZ-R8(8)to (10):</u> <u>Discretionary</u> <u>GRUZ-R8(11): Restricted</u> <u>Discretionary</u> <u>Matters of discretion:</u>

	10. <u>The activity involves the servicing of agricultural equipment.</u> 11. <u>Any new, relocated or extended building, structure and activity complies with General Rural Zone standards GRUZ-S2, GRUZ-S3, GRUZ-S4, GRUZ-S5, GRUZ-S6, GRUZ-S7, GRUZ-S8 and GRUZ-S10.</u>	1. <u>The matters of discretion of the infringed standard.</u>
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GRUZ-R9	Commercial Activities	
All areas except PREC14 New Vale Precinct and <u>PREC15 McNab Rural Industry Precinct</u>		
<u>PREC15 McNab Rural Industry Precinct</u>	<u>Activity status: Permitted</u> <u>Where:</u> 5. <u>The activity is the hire of goods which require outdoor storage.</u> 6. <u>The activity involves the sale of farming and agricultural supplies;</u> 7. <u>Any new, relocated or extended building, structure and activity complies with General Rural Zone standards GRUZ-S2, GRUZ-S3, GRUZ-S4, GRUZ-S5, GRUZ-S6, GRUZ-S7, GRUZ-S8 and GRUZ-S10.</u>	<u>Activity status where compliance is not achieved with:</u> <u>GRUZ-R9(5) to GRUZ-R9(6): Discretionary</u> <u>GRUZ-R9(7): Restricted Discretionary</u> <u>Matters of discretion:</u> <u>The matters of discretion of the infringed standard</u>

209. If the submitter can provide a definition of ‘logistics’ then we can assess whether this would be appropriate to be included as a permitted activity within the McNab Rural Industry Precinct. However, we have generally recommended to enable activities which appear to align with the outcomes sought by the submitter.
210. It should be noted though that these activities will be subject to the bulk and location standards of the GRUZ and therefore the rural character and amenity of the area which is important to respect the cultural values identified in the Ngā Hua o Āpiti Hono Tātai Hono report will be maintained. Furthermore, we consider the proposal will be within scope of the submission in terms of effects on surrounding landowners and therefore issues of natural justice are avoided.

LIZ-S11

211. In relation to the proposal to include a new standard (LIZ-S11) relating to access, we generally agree that a standard is appropriate to restrict direct access to State Highway 1 and require intersection upgrades.
212. However, we note that nothing proposed by the submitter in their evidence, and in LIZ-S11, prevents direct access to the State Highway, although this seems to be an outcome sought within their Traffic Evidence and in terms of the purpose of LIZ-S11. If the intention is to direct all traffic to McKinnon Road, and that appears to be the case from the indicative roading identified on the evidence plan, then this should be articulated through a Plan provision.
213. We also note that in his evidence Mr Bartlett has not considered the potential effects of additional development on local roads including McKinnon Road, Wentworth Road and Talbot Road, and the intersection between the McKinnon Road and Talbot Road (particularly around vehicles turning into and out of that intersection conflicting with vehicles turning into McKinnon Road from SH1).
214. We recommend this additional assessment is provided through the submitter's rebuttal evidence to allow for an understanding of whether any further upgrades are required the submitter should provide such an assessment. If any upgrades are recommended as a result of this assessment, then those requirements should be incorporated into any relevant standard proposed within the PDP to manage and mitigate adverse effects on the local road network prior to development taking place.
215. We understand that the submitter has consulted with NZTA in relation to development of LIZ-S11 and we have reviewed the evidence provided by NZTA. We have some concerns in relation to the requirements of LIZ-S11, in particular we consider the requirement for a traffic assessment at two trigger points is problematic for the following reasons:
 - a. It is unclear how it would be determined when 30% or 55% of the Precinct is developed. Development is likely to happen in a piecemeal fashion and as a permitted activity. To demonstrate compliance every time a new development is proposed the developer would need to provide a plan showing how much of the Precinct had been developed. Would this include roads and other infrastructure, would this include buffer areas or just built form?
 - b. The standard requires that an assessment is provided, however, there is no requirement to undertake any work as a result of the assessment, meaning the assessment is essentially meaningless. For example, if the assessment identifies a shortfall in how the intersection functions then there is no means of requiring any upgrade because the standard only requires that the assessment is provided and then the permitted activity criteria is met.
 - c. As identified in the Section 42A report and Supplementary evidence for Hearing Stream 4 – Industrial Zones, there are concerns that trigger mechanisms such as this may create inequitable outcomes. Notwithstanding the fact that the standard does not actually require any work to be undertaken (other than the initial upgrade), if the

assessment did identify further work as being required, would that fall to the person who was undertaking that next development to fund, meaning existing and future persons would get the benefit without any of the cost.

216. We note that the submitters proposed LIZ-S11 includes a requirement for a buffer and screening along the SH1 boundary. However, we're unclear why this is required when it is not something that is required in other areas of the district and note that there are other more intensive development areas adjacent to the highway. If the GRUZ with a Rural Industry Precinct is adopted as we have recommended, then we question the need for this requirement given GRUZ-S5 has setbacks to road boundaries and the level of development would generally be significantly lower density than a LIZ.
217. However, given this matter has been agreed between the submitter and NZTA, whilst we consider it inconsistent with how road boundaries have generally been dealt with in the PDP, we accept the requirement in principle. We do however have some concerns with the wording proposed by the submitter for LIZ-S11(1). In our opinion it would be unclear how compliance would be assessed at building consent stage whether the buffer or screen "may not result in shading of the State Highway during the winter months". Whilst a plan showing shading could be provided, if landscaping is used as a buffer this clearly grows and so whilst it may not shade at the stage of planting it may shade in the future. A better outcome would be to provide a height limit for the buffer or screen with the limit determined now to avoid shading. The condition could then require that the buffer or screen is maintained at a height no greater than that agreed level.
218. At this stage we have not recommended that LIZ-S11(1) be accepted and so it is not included in our recommended access standard, however, subject to the issues above being refined we accept the principle of a screen or buffer along the state highway.
219. The issues we have identified with LIZ-S11 lead into a more general issue we have with the way in which LIZ-S11 is phrased in that it reads as a resource consent conditions rather than a District Plan performance standard. Whilst we don't disagree with the outcomes sought we consider there could be some difficulties in assessing compliance with the standard during a building consent check, and as noted above, fundamentally the traffic assessment requirements don't lead to any actual outcomes.
220. It is assumed that the intention is that the intersection upgrade will need to occur before any activity is undertaken onsite, therefore, this part of the standard will become redundant after the first activity is complete. Compliance would need to be demonstrated at the time of building consent and then there would need to be some mechanism to ensure this has occurred – it's unclear who would monitor this. Further, it is assumed that the submitter understands that the first activity to be undertaken would need to fund the entirety of the work.
221. Overall, taking account of the recommendations within Mr Barlett's evidence, Abley's memorandum, NZTA's evidence, the concerns raised above in relation to LIZ-S11 as proposed and the fact that we oppose a Light Industrial zone of the scale sought within the submitters evidence we consider the following standard to be more appropriate. Further, as our preferred recommendation is for a GRUZ with a Rural Industry Precinct we recommend this standard is included in the GRUZ.

GRUZ-S10	Access	
PREC15 McNab Rural Industry Precinct	1. <u>There shall be no access directly onto State Highway 1.</u> 2. <u>A Traffic Assessment prepared by a suitably qualified and experienced person is provided to consider the effects of traffic on the Intersection of McKinnon Road and State Highway 1, including the potential for conflict with vehicles turning into or out of Talbot Street.</u> 3. <u>Any outcomes recommended within the Traffic Assessment required by GRUZ-S10(2) must be implemented prior to any activity commencing subject to the agreement of the road controlling authority.</u> 4. <u>The State Highway 1 and McKinnon Road intersection must be upgraded to include a channelised left turn lane in accordance with Austroads Guide to Road Design Part 4A Unsignalised and Signalised Intersections, Figure 8.6 In addition the existing channelised right turn lane must be confirmed as being in accordance with Figure 7.3 of the same guide. These upgrades are subject to the agreement of the Road Controlling Authority.</u>	Activity status where compliance is not achieved: Discretionary

222. If the Panel were minded to accept that a Light Industrial Zone was appropriate then we recommend that the new standard (GRUZ-S10) also be included within the LIZ. Consequential amendments would then be required to rules to refer to the new standard in relation to the McNab Light Industrial Zone. Further, LIZ-P4(2) and (4) could be slightly amended to reflect the intent that screening should reduce headlight glare along the state highway.

Recommendation

223. For these reasons, we do not recommend that the LIZ Chapter is amended to enable rural industry activities as this is directly incompatible with the purpose of the zone and we do not consider it appropriate that rural industry is provided for within an urban zone.

224. As an alternative we recommend the following amendment to the General Rural Zone Chapter:

GRUZ-R8	<i>Industrial Activities (including Light Industrial Activities)</i>	
All areas <u>except McNab Rural Industry Precinct</u>	Activity Status Permitted .....	.....
<u>PREC15 McNab Rural Industry Precinct</u>	<u>Activity status Permitted</u> <u>Where:</u> 12. <u>The activity is a contractor yard, or the activity involves the manufacturing of primary produce produced on site (excluding activities that are defined as rural industry).</u> 13. <u>The activity is a transport yard.</u> 14. <u>The activity involves the servicing of agricultural equipment.</u> 15. <u>Any new, relocated or extended building, structure and activity complies with General Rural Zone standards GRUZ-S2, GRUZ-S3, GRUZ-S4, GRUZ-S5, GRUZ-S6, GRUZ-S7, GRUZ-S8 and GRUZ-S10.</u>	<u>Activity status where compliance is not achieved with:</u> <u>GRUZ-R8(8)to (10): Discretionary</u> <u>GRUZ-R8(11): Restricted Discretionary</u> <u>Matters of discretion:</u> 2. <u>The matters of discretion of the infringed standard.</u>

GRUZ-R9	<i>Commercial Activities</i>	
All areas except PREC14 New Vale Precinct and <u>PREC15 McNab Rural Industry Precinct</u>	.....	.....
<u>PREC15 McNab Rural Industry Precinct</u>	<u>Activity status: Permitted</u> <u>Where:</u> 8. <u>The activity is the hire of goods which require outdoor storage.</u> 9. <u>The activity involves the sale of farming and agricultural supplies;</u>	<u>Activity status where compliance is not achieved with:</u> <u>GRUZ-R9(5) to GRUZ-R9(6): Discretionary</u> <u>GRUZ-R9(7): Restricted Discretionary</u>

	10. <u>Any new, relocated or extended building, structure and activity complies with General Rural Zone standards GRUZ-S2, GRUZ-S3, GRUZ-S4, GRUZ-S5, GRUZ-S6, GRUZ-S7, GRUZ-S8 and GRUZ-S10.</u>	<u>Matters of discretion:</u> <u>The matters of discretion of the infringed standard</u>
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<u>GRUZ-S10</u>	<u>Access</u>	
<u>PREC15</u> <u>McNab Rural</u> <u>Industry</u> <u>Precinct</u>	1. <u>There shall be no access directly onto State Highway 1.</u> 2. <u>A Traffic Assessment prepared by a suitably qualified and experienced person is provided to consider the effects of traffic on the Intersection of McKinnon Road and State Highway 1, including the potential for conflict with vehicles turning into or out of Talbot Street.</u> 3. <u>Any outcomes recommended within the Traffic Assessment required by GRUZ-S10(2) must be implemented prior to any activity commencing subject to the agreement of the road controlling authority.</u> 4. <u>The State Highway 1 and McKinnon Road intersection must be upgraded to include a channelised left turn lane in accordance with Austroads Guide to Road Design Part 4A Unsignalised and Signalised Intersections, Figure 8.6 In addition the existing channelised right turn lane must be confirmed as being in accordance with Figure 7.3 of the same guide. These upgrades are subject to the agreement of the Road Controlling Authority.</u>	<u>Activity status where compliance is not achieved:</u> <u>Discretionary</u>

225. As noted at in section 8 we have generally recommended there is no LIZ on the site, as a result of inconsistencies with the Ngā Hua o Āpiti Hono Tātai Hono Assessment, however, we have recommended that a wider range of activities is enabled within the Rural Industry Precinct than would otherwise be provided for in the PDP.
226. However, we have also acknowledged that if the submitter is able to reconcile the provision of a LIZ with the Ngā Hua o Āpiti Hono Tātai Hono Assessment then the 10ha of land shown as light industrial zone on the submission plan may be appropriate (refer to figure 6 and Appendix D).

227. If LIZ was to be provided, however, we still do not recommend the inclusion of the objective and policy proposed in Ms McMillan's evidence, nor do we recommend enabling rural industry, for the reasons detailed above. However, we would recommend that additional measures are considered to:
- a. mitigate adverse effects on the MPZ and cultural significance of the area;
 - b. maintain surrounding rural character to the north and east;
 - c. ensure there is no direct access from the State Highway; and
 - d. require access upgrades in the same manner as proposed through recommended standard GRUZ-S10.
228. If the above was proposed some consequential amendments to the LIZ Chapter would be required to refer to any new standards and make it clear that these apply to the McNab Light Industrial Zone and not other Light Industrial Zone areas. This may require an additional separate Precinct to the McNab Rural Industry Precinct recommended in relation to the General Rural Zone.

11. Submissions on Rural Lifestyle Zone

Matters raised by Submitter

229. Submission s103.014 supports the Rural Lifestyle Zone but seeks an additional policy to specifically provide for the Rural Lifestyle Zone at 10 McKinnon Road because the submitter considers policies RLZ-P3, RLZ-P4 and RLZ-P9 are inconsistent in relation not whether activities and amenity values should align primarily with a rural or residential environment.

RLZ - P10: In the Rural Lifestyle Zone at McNab, rural lifestyle development maintains the rural character of the area and facilitates pastoralism, agriculture, horticulture and mahinga kai.

Assessment and Recommendation

230. In response to submission s103.014 it is unclear what the purpose of the new policy is seeking to achieve given no new provisions are sought through the submission for the Rural Lifestyle Zone. Whilst the outcomes expressed in the proposed policy may be appropriate the outcomes are generally expressed through other policies within the RLZ.
231. We note that the evidence from Ms McMillan sought to amend the wording of RLZ-P10 from the submission text as follows:
- Avoid activities and structures, except bridges and their footings, within the Mahinga Kai Overlay at McNab unless for the purpose of Māori customary activities, access, stormwater or flood plain management.
232. The evidence also proposes an amendment to RLZ-R13 which it is assumed is intended to give effect to the policy:

.....

Within the Mahinga Kai overlay at McNab

2. Any activity or structure, that is not for the purposes of access, bridges and their footings, Mahinga Kai or stormwater and floodplain management, within the Mahinga Kai overlay at McNab

233. However, again it is not entirely clear what the purpose of this rule is. The RLZ includes a requirement through standard **RLZ-S7** which requires buildings to be setback from the stream which would allow for Mahinga Kai access and flood management is appropriately managed through the Natural Hazard Chapter.
234. Further, there are issues with the drafting of this rule in that the Mahinga Kai Overlay is not referenced in any other rule within the RLZ and therefore there is nothing to prevent those activities being undertaken within the overlay. At a mechanical level therefore, the amendment does not work.
235. Overall, we do not agree there is a need for RLZ-P10 or an amendment to RLZ-R13, as we do not recommend the Mahinga Kai Overlay is adopted.
236. For these reasons we recommend that the submission is rejected and no amendments to the Rural Lifestyle Zone provisions are recommended.
237. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

12. Submissions on Māori Purpose Zone

Matters raised by Submitter

238. In their original submission [S103] the submitter sought limited amendments to the MPZ Chapter. The majority of these were addressed in Hearing Stream 4 – *Māori Purpose Zone*. The evidence of Ms McMilan, however, seeks additional – and sometimes contradicting – relief compared to the original submission.
239. As part of their original submission, MML lodged their support in part for the MPZ chapter; supporting “all the provisions in the proposed plan as notified except for the amendments requested” [S103.031]. The amendments they requested were as follows:
- Moving Te Ika Rama MPZ, as discussed above in Section 8 [S103.002]
 - Rewording and renaming of all MPZ within the Overview and Purpose section of the chapter [S103.025]
 - Adding a new rule listing *Educational Facilities* as a permitted activity in a relocated Te Ika Rama MPZ [S103.026]
 - Adding a new rule listing *Health Facilities* as a permitted activity in a relocated Te Ika Rama MPZ [S103.027]

240. In her evidence, however, Ms McMillan seeks a number of additional amendments which contradicts S103.031. In addition to S103.026 and S103.027, Ms McMillan evidence also seeks that *Cluster Housing, Residential Activity, Community Facility, Commercial Activity, and Visitor Accommodation* be moved from a restricted discretionary activity to a permitted activity at Te Ika Rama MPZ. Alongside these amendments, this evidence also seeks changes to MPZ-S4 to reduce the minimum road setback for Te Ika Rama MPZ, and MPZ-S6 which increases the maximum building coverage for Te Ika Rama MPZ.

Assessment

241. Our ability to consider the expanded list of amendments in Ms McMillan's evidence is constrained by the scope of MML's original submission, meaning that changes to the activity status of Education Facility [S103.026] and Health Facility [S103.027], rewording of the Overview and Purpose section [S103.025], and relocation of Te Ika Rama MPZ [S103.002] are the only matters that can be considered. S103.002 has been assessed above at section 8.
242. Similar to the Hearing Stream 4 assessment of this submission, we query MML's reasoning underpinning S103.025. The submitter requests the names of each MPZ site be removed from this section as they consider it to be both inappropriate and unnecessary. They note that listing specific MPZ creates difficulty when proposing new MPZ sites. However, the addition of any new MPZ site in the District would always require a plan change. As part of the plan change process, this text would be updated accordingly. Therefore, the listing or otherwise of MPZ sites makes no difference to the difficulty of proposing a future site.
243. Additionally, we consider it essential to list the specific MPZ sites in this section as it assists in the interpretation of the rules. Several rules apply differently across various MPZ sites, meaning that some provisions refer to specific MPZ sites by name. Listing all MPZ sites in this section of the chapter provides plan readers with the context to understand the wording of the rules that follow.
244. MML [S103.025] also states that, "*in accordance with tikanga any new MSPZ [sic] will be gifted a name in due course*". In the same submission point, they propose new descriptive names for each MPZ site. We note that the names included in the PDP were chosen by mana whenua, and, for the non-mana whenua-affiliated MPZ sites, by their affiliated Māori community during the initial drafting of this chapter. For this reason, we do not consider it appropriate to alter them unless the request comes from the relevant Māori community affiliated to each MPZ site.
245. We do, however, note that the name of the MPZ surrounding O Te Ika Rama Marae seems to differ slightly from the marae name itself. According to the mana whenua-drafted Ngā Hua o Āpiti Hono Tātai Hono report, the marae name is *O Te Ika Rama Marae*. The name of the MPZ as per the PDP is *Te Ika Rama Marae MPZ*. As part of the Hokonui Rūnanga Inc letter of support for this proposal (requested above in Section 8), it would be useful for the correct and preferred name for this MPZ to be clarified so that any necessary amendments can be made.
246. We agree with MML [S103.026] that 'education facilities' should be a permitted activity within MPZ. Correcting this omission will better align the rules of this chapter with its policies and objectives, and provisions with the Urban Form and Development chapter of the PDP. We

therefore maintain the recommended rewording as shown in the Hearing Stream 4 Section 42a Report at Section 6.15.2, para 169 and its associated Appendix A.

247. We also agree in principle with MML [S103.027] that ‘healthcare facility’ should be a permitted activity. We note, however, that it already is under MPZ-R8. The definition of ‘community facility’, as per both the PDP and the National Planning Standards, is as follows:

“means land and buildings used by members of the community for recreational, sporting, cultural, safety, health [emphasis added], welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility.”

248. Under this definition, health facilities are classed as a type of community facility, and is therefore permitted under MPZ-R8. In light of the recommended relocation of Te Ika Rama Marae MPZ, we now support amendments to MPZ-R8 to make Community Facility PA at Te Ika Rama Marae MPZ. This differs from the recommendation made on S103.027 during Hearing Stream 3. To facilitate this amendment, the listed MPZ-R6 to MPZ-R10 rules should be amended as follows²¹:

MPZ-R6	Cluster Housing	
MPZ-R7	Residential Activity	
MPZ-R8	Community Facility	
MPZ-R9	Commercial Activity	
MPZ-R10	Visitor Accommodation	
All Māori Purpose Zones	MPZ-R6 to MPZ-R10 Activity status: Permitted Where: 1. <u>In the cases of MPZ-R6, MPZ-R7, MPZ-R9, or MPZ-R10, the</u> activity is not at the Te Ika Rama Marae site; 2. Any new, <u>relocated</u> , or extended buildings or structures comply with Māori Purpose Zone standards MPZ-S1, MPZ-S2, MPZ-S3, MPZ-S4, MPZ-S5, MPZ-S6, and MPZ-S7; and 3. Retail Activities are limited to 100m2 Gross Floor Area.	Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: 2. The matters of discretion of any infringed standard; 3. The extent to which all activities are adequately serviced; 4. The extent to which adverse effects on adjoining properties beyond the zone and the wider environment are mitigated; 5. Any functional or tikanga related requirements; and 6. For non-residential activities matters relating to:

²¹ Note: Blue text denotes amendments previously proposed via HS4 hearings

		a. traffic generation b. noise c. scale d. access e. reverse sensitivity.
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Recommendation

249. For the reasons given above we recommend the following:

- l. Amend MPZ-R8 to make *Community Facility* a permitted activity at Te Ika Rama MPZ
- m. Consequential amendments to the name of Te Ika Rama Marae MPZ throughout the chapter, if necessary

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

13. Section 32AA Evaluation

251. We have provided a Section 32AA Evaluation within **Appendix G**. We have opted to provide our own s32AA evaluation of Option 2 from Ms McMillan's evidence and we have also provided a s32AA evaluation of our recommendations.

252. The evaluation concludes that the recommendations to zoning and PDP provisions we have proposed are more efficient and effective at achieving the purpose of the Act, the PDP objectives and the recommended objective. In reaching this conclusion we have carefully weighed all the environmental, social, cultural and economic costs and benefits of both options and considered the risks of acting or acting.

14. Consequential and Minor Amendments

253. 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.
254. Clause 10(2)b of the RMA allows decisions on the PDP to include matters relating to consequential alterations to the PDP which are necessary, relevant or arising from submissions. The following are recommended consequential amendments to the PDP based on previous Section 42A report recommendations.
255. As we have recommended a Rural Industry Precinct for McNab it is appropriate to distinguish this from the Rural Industry Precinct (PREC13) in Mataura. We therefore recommend consequential amendments to the PDP to rename PREC13 to the “Mataura Rural Industry Precinct”.
256. We also recommend a consequential amendment to the “How the Plan Works” Chapter to reference and describe the new Precinct at McNab - PREC15 – McNab Rural Industry Precinct:

<u>McNab Rural Industry Precinct</u>	<u>PREC15</u>	<u>The purpose of this precinct is to provide for larger scale rural industry activities and other compatible activities which would support primary production, provide employment opportunities and benefit the economy of the Gore District.</u>
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257. These amendments are provided in full in **Appendix A**.

15. Conclusions and Closing Recommendation

15.1 Conclusions

258. This report has provided an assessment of submissions received on the Māori Purpose Zone, Rural Lifestyle and General Rural Zone Chapters and the evidence which proposed amendments to the Light Industrial Zone. An assessment of the rezoning shown on the planning maps has also been undertaken based on both the submission and evidence proposals. This report has provided an assessment of submissions received in relation to rezoning and associated PDP amendments for the MML site. We have assessed both the submission points and evidence matters where we are comfortable they lie within the scope of the submission.
259. Our assessment has concluded that there are opportunities for some form of rezoning on site to provide for a wider range of activities which would support the local economy, particularly in relation to activities which support (directly or indirectly) primary production and the rural economy.

260. Overall, we recommend that the provisions are amended as shown in **Appendix A** for the reasons set out in this report. The main changes recommended include:
- n. Amend the planning maps to provide for a relocated Te Ika Rama Marae Māori Purpose Zone, subject to receiving a letter of support from Hokonui Rūnanga in their role of tangata marae (people affiliated to the marae) of O Te Ika Rama Marae;
 - o. Amend the planning maps to provide for an area of GRUZ with a Rural Industry Precinct or a mixture of GRUZ with a Rural Industry Precinct and 10ha LIZ (as per the submission plan) if this can be reconciled with the *Ngā Hua o Āpiti Hono Tātai Hono* report
 - p. Provide for an increased RLZ area.
 - q. Amend the GRUZ with an additional objective and policy relating to the McNab Rural Industry Precinct and amendments to the GRUZ rules and standards to provide for a wider range of activities and manage access to the site. Noting that the access standard proposed for the GRUZ would also be required for the LIZ if that option was considered most appropriate.
 - r. Amend MPZ-R8 to make Community Facility PA at Te Ika Rama Marae MPZ
261. We consider that the amendments we recommend will enable the submitter to develop their site in the manner they seek, providing for activities which support the local rural economy, increased opportunities for rural lifestyle development and a MPZ which is resilient to natural hazards, whilst managing adverse effects on the environment including surrounding landowners.
262. We also consider our recommended amendments align more closely with the PDP strategic direction, the purpose and function of the PDP zones and are more efficient and effective at achieving outcomes in a clear manner than the amendments sought by the submitter in their submission and evidence.
263. We seek guidance from Hokonui Rūnanga as to the most appropriate name for Te Ika Rama Marae MPZ, noting that there may be a discrepancy between the name of the marae and name of its associated MPZ.
264. Overall, we do not agree with the evidence amendments for the following reasons:
- a. the increased LIZ area is unjustified through evidence and in our view likely to be outside the scope of the submission for the reasons identified in this report;
 - b. there is a fundamental inconsistency with enabling rural industry in the LIZ;
 - c. The amendments to the LIZ proposed through evidence speak more closely to the purpose and function of the GRUZ than the LIZ.
 - d. The inclusion of a Mahinga Kai Overlay is considered unnecessary as the PDP already includes tools – i.e. waterway setback standards – that could be used to achieve the same outcome sought by this overlay. Instead, we recommend adding a stream classification to the waterway that the proposed Overlay follows.

265. Overall, we 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.

15.2 Closing Recommendation

266. 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
Victoria Woodbridge Consultant Planner		7 November 2024
Courtney Bennett Consultant Planner		7 November 2024