

Appendix D – Recommended Updates to Chapter Notes

A number of chapter notes are used in the PDP, these are intended to provide guidance for plan users. An overview of the notes and a table showing what chapters they are included in are provided below. The most commonly used note is Note 1 Provisions in Other Chapters which directs plan users in relation to potentially relevant rules for the activity, overlay or area.

Recommended changes to Note 1 are shown in the table below, an overview of all notes and the chapters they are used in is provided below the Note 1 tables.

Note 1 Provisions in Other Chapters [note for district-wide activity chapters]	
The provisions in this chapter apply in addition to the provisions of the other chapters in the District Plan and the plan should be read as a whole. <u>Some activities that span the district are addressed as district-wide matters in Part 2 of the plan. Plan users should note that if an activity is addressed on a district-wide basis these activity specific chapters may take precedence over the zone rules, such as Infrastructure, Energy or Temporary Activities. However, in addition to district-wide activities, overlays are applied to areas which have specific values or risks that need to be managed carefully, and these are also addressed as district-wide matters in Part 2 of the plan. The overlay rules apply in conjunction with the district wide activity rules, zone rules and other area specific rules.</u> This chapter also implements other chapters in the District Plan that do not have specific rules such as <u>Sites and Areas of Significance to Māori and the strategic direction chapters and</u> Mana Whenua. <u>The following chapters contain provisions that may also be relevant for [insert Chapter title] activities:</u> <u>[Insert chapters that may contain relevant provisions, including any chapter with a specific rule reference to this chapter]</u>	
District-wide activities chapters	
Chapter title	Chapters that may contain relevant provisions
ENRG – Energy	- Earthworks - Noise This chapter takes precedence over Zone rules and Standards, unless expressly identified within the zone chapter.

INFR – Infrastructure	• Earthworks • Transport • Subdivision • Airport Zone This chapter takes precedence over Zone rules and standards, unless expressly identified within the zone chapter. <i>Roads</i> are defined as a utility, however the rules in this Chapter do not apply to the construction, management, upgrading or use of <i>Roads</i> of the <i>Transport Network</i>. These activities are managed by Subdivision, Transport and Earthworks Chapters. <i>Airports</i> and approach control services are defined as <i>network utilities</i>. Some <i>Airport</i> Related Activities are also defined as <i>network utilities</i>. However, the rules in this Chapter do not apply to <i>Airport</i> Activities or <i>Airport</i> Related Activities within the Airport Zone (Chapter 3.15) and Transport Chapter.
TRANS – Transport	• Earthworks • Noise • Development Areas
CL – Contaminated Land	
HAZS – Hazardous Substances	
PA – Public Access	• Subdivision
SUB – Subdivision	• Earthworks • Transport • Infrastructure Public Access
ASW – Activities on the Surface of Water	

EW – Earthworks	• Historic Heritage • Notable Trees • Natural Hazards • Ecosystems and Indigenous Biodiversity • Natural Features and Landscapes Provisions for mining, quarries and or gravel extraction are found in the General Rural Zone chapter.
LIGHT – Light	
NOISE – Noise	
SIGN – Signs	
TEMP – Temporary Activities	This chapter takes precedence over all chapters except: • Ecosystems and Indigenous Biodiversity • Historic Heritage • Notable Trees • Sites and Areas of Significant to Māori • Activities on the Surface of Water • Noise • Signs For Temporary Events within the Special Purpose Zones and the Mandeville Aviation and Rail Precinct (Settlement Zone) see the respective zone chapter.

Note 1 Provisions in Other Chapters **[note for district-wide overlay chapters]**

The provisions in this chapter apply in addition to the provisions of the other chapters in the District Plan and the plan should be read as a whole.

Overlays are applied to areas which have specific values or risks that need to be managed carefully, and these are addressed as district-wide matters in Part 2 of the plan. An overlay applies on top of the zoning and can cover multiple zones or other identified areas. Some activities that span the district are also addressed as district wide matters in Part 2 of the plan, for example Subdivision, Earthworks, Noise, Signs and Light. Plan users should note that the district-wide activity rules, zone rules and other area specific rules apply in conjunction with the district-wide overlay rules.

This chapter also implements other chapters in the District Plan that do not have specific rules such as ~~Sites and Areas of Significance to Māori~~ and the strategic direction chapters and Mana Whenua.

District-wide overlay chapters

NH – Natural Hazards

HH – Historical Heritage

TREE – Notable Trees

~~SASM – Sites and Areas of Significance to Māori~~

ECO – Ecosystems and Indigenous Biodiversity

NFL – Natural Features and Landscapes

NC – Natural Character

Note 1 Provisions in Other Chapters [note for zone and development area chapters]

The provisions in this chapter apply in addition to the provisions of the other chapters in the District Plan and the plan should be read as a whole.

All land in the district has an underlying zone, the zone chapter sets out direction for the management of activities consistent the anticipated character and purpose of that area. However, plan users should note that some activities that span the district are addressed as district-wide matters in Part 2 of the plan. If an activity is addressed on a district-wide basis these activity specific chapters may take precedence over the zone rules, such as Infrastructure, Energy or Temporary Activities. In addition to district-wide activities, overlays are applied to areas which have specific values or risks that need to be managed carefully, and these are also addressed as district-wide matters in Part 2 of the plan. The overlay rules apply in conjunction with the district wide activity rules, zone rules and other area specific rules.

This chapter also implements other chapters in the District Plan that do not have specific rules such as ~~Sites and Areas of Significance to Māori~~ and the strategic direction chapters and Mana Whenua.

Area specific chapters

LLRZ – Large Lot Residential Zone

GRZ – General Residential Zone

MRZ – Medium Density Residential Zone

GRUZ – General Rural Zone

RLZ – Rural Lifestyle Zone
SETZ – Settlement Zone
NCZ – Neighbourhood Centres Zone
LCZ – Local Centres Zone
MUZ – Mixed Use Zone
TCZ – Town Centre Zone
LIZ – Light Industrial Zone
GIZ – General Industrial Zone
NOSZ – Natural Open Space Zone
SARZ – Sports and Recreation Zone
AIRPZ – Airport Zone
MPZ – Māori Purpose Zone
CCZ – Camp Columba Zone
FDZ – Field Days Zone
DEV – Development Areas

The following notes are to be included in the chapters shown below in Table A, B and C.

The Notes are labelled Figure 1-20 and where they are to be located in any chapter across the PDP, a corresponding check is provided in the Table.

Figure 1

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

Figure 2

Note X	Gore District Council Subdivision and Land Development Engineering Standards
	The Gore District Council Subdivision and Land Development Bylaw 2019 provides layout and design standards that apply to construction and <i>land</i> development activities. In addition to the requirements of the District Plan, compliance is the required with the provisions and processes of the Bylaw, or any subsequent Council Engineering Code of Practice replacing it.

Figure 3

Note X	Accidental Discovery Protocol
	Heritage New Zealand Pouhere Taonga Act 2014 Should an archaeological site or wāhi tapu site be discovered as a result of earthworks these may also require authorisation under the Heritage New Zealand Pouhere Taonga Act 2014. An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. If you wish to do any earthworks that will or may modify or destroy the whole or any part of an archaeological site, you must first obtain an authority from Heritage New Zealand Pouhere Taonga. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted. The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol manages unidentified archaeological sites that may be discovered as a result of earthworks. It is not always appropriate to operate under an Accidental Discovery Protocol. If there is cause to suspect any works may encounter archaeology, an archaeological assessment should be undertaken by a consultant archaeologist to determine whether an archaeological authority is required to be obtained. Heritage New Zealand Pouhere Taonga and mana whenua via Hokonui Rūnanga should be consulted regarding any activity which may result in the modification, damage or destruction of any entry on the New Zealand Heritage List/Rārangī Kōrero or any archaeological site recorded on the New Zealand Archaeological Association's (NZAA) national database of recorded archaeological sites, Archsite. Ngāi Tahu ki Murihiku Accidental Discovery Protocol Should a Ngāi Tahu Kōiwi, archaeological site, taonga or artefact or in-situ (natural state) pounamu/greenstone be uncovered mana whenua will need to be contacted via Hokonui Rūnanga and the Ngāi Tahu ki Murihiku Accidental Discovery Protocol must be followed. This process is set out in the Section 4.1 of the Mana Whenua chapter of the District Plan.

Figure 4

Note X	Archaeological alert layer
	The archaeological alert layer provides a mechanism to highlight areas where archaeology is known to be present or where current or future development may impact upon as yet unrecorded <i>archaeological sites</i>, both above ground and subsurface. The layer does not indicate that these are the only places where archaeology may be encountered. Any proposed development, within the layer or not, should assess whether there is reasonable cause to suspect that archaeology may be present to ensure compliance with the archaeological provisions of the Heritage New Zealand Pouhere Taonga Act 2014.

Figure 5

Note X	Other legislation
	The provisions of the National Environment Standard for Assessing and Managing <i>Contaminants</i> in Soil to Protect Human Health which apply where a HAIL activity has been undertaken on the <i>land</i> subject to specified activities and <i>subdivision</i>. In certain circumstances resource consent will be required from the Gore District Council. In the first instance reference should be made to the register of HAIL activity <i>sites</i> held by the Gore District Council. The provisions of regional plans prepared by Environment Southland. This includes the taking, use and <i>discharge</i> of <i>water</i>, the <i>discharge</i> of <i>contaminants</i> to <i>land</i>, <i>water</i> or air and the erection of <i>structures</i> in <i>river beds</i>. In certain circumstances resource consent will be required from Environment Southland.

Figure 6

Note X	Water Conservation (Mataura River) Order 1997
	The Mataura River and its tributaries are subject to the Mataura River Water Conservation Order 1997. The order refers to outstanding fisheries and angling amenity features and includes various provisions to preserve and protect these features including a minimum flow regime, standards that must be met by any <i>discharges</i> into the <i>waters</i> and a prohibition on the construction of any dam on any of these waterways.

Figure 7

Note X	National Policy Statements and National Environmental Standards for <i>Infrastructure</i> .
	Section 75(3) of the RMA directs that the district plan must give <i>effect</i> to any National Policy Statement (NPS) and National Environmental Standard (NES). NES's must be observed and enforced by local authorities. Section 43B of the RMA directs that a NES prevails over District Plan rules unless a NES expressly stated that it does not.

Figure 8

Note X	<u>National Environmental Standards For Telecommunications Facilities</u>
	<u>The use of Ancillary Equipment, Antenna, Cabinet, Pole and Small Cell Unit were written with the NESTF definitions in mind.</u>

Figure 9

Note X **Guidance on Indigenous Biodiversity Values**

The Gore district overlaps with five ecological districts. Information about the Indigenous biodiversity values across Gore is provided in the following link - <https://lets.talk.goredc.govt.nz/proposed-district-plan-topics-faqs>. Information about taonga species is included in schedule 97 of the Ngai Tahu Claims Settlement Act 1998.

Figure 10

Note X **Other Regulations**

The provisions of the National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health which apply where a HAIL activity has been undertaken on the *land* subject to specified activities and *subdivision*. In certain circumstances resource consent will be required from the Gore District Council.

Figure 11

Note X **Mataura River Mātaitai Reserve**

The Mataura River Mātaitai Reserve is established under the Fisheries Act 1996 and applies to a section of the Mataura River up and downstream of the Mataura Falls/ Te Au Nui Pihapiha Kanakana. The reserve protects Ngāi Tahu customary rights and all *commercial fishing* is prohibited within the reserve. The Mataura River Mātaitai Reserve Bylaws applies. Under the bylaws no person, with the exception of customary fishing authorised by Tangata Tiaki/Kaitiaki, may take or possess Lamprey, Shortfin or Longfin eel; or use, set or possess any fyke net.

Figure 12

Note X **Statutory Acknowledgement**

The Mataura River and its tributaries are a statutory acknowledgment area in terms of the Ngāi Tahu Claims Settlement Act 1998 to recognise Ngāi Tahu's cultural, spiritual, historic, and traditional association to the Mataura River.

Figure 13

Note X **Measurement standards**

The standards for light must be measured and assessed in accordance with Standards AS/NZS 4282 2023 Control of the Obtrusive Effects of Outdoor Lighting.

Figure 14

Note X **Rail Corridor Vibration Alert Layer**

The Rail Corridor Vibration Alert Layer identifies the vibration-sensitive area within 60 metres each side of the rail corridor. Properties within this area may experience rail vibration. No specific district plan rules or notification requirements apply within the Rail Corridor Vibration Alert Layer.

Figure 15

Note X **Noise sources exempt from specific rules and standards Section 16 of the RMA**

~~Noise associated with the following activities are not subject to the Rules and Standards of the Noise Chapter:~~

- ~~1. Any warning device, siren, mobile equipment or fixed plant used by emergency services during an emergency response or for routine testing and maintenance, including noise from helicopter take off and landings during an emergency response. [HS6] This exemption does not apply to the noise generated at permanent emergency services depots or bases, such as fire stations, police stations or the base for emergency aircraft.~~
- ~~2. Volunteer fire brigade sirens.~~
- ~~3. Emergency helicopter landings and take offs which are associated with the function of the hospital in terms of patient care.~~
- ~~4. Noise from vehicles on roads which are managed by a road controlling authority.~~
- ~~5. Trains on rail lines, including at railway yards, railway sidings or stations and level crossing warning devices. This exemption does not apply to the testing (when stationary), maintenance or unloading of trains, or trains on private sidings.~~
- ~~6. Overflying aircraft and noise from aircraft taking off and landing in the Airport Zone and Mandeville Aviation and Rail Precinct.~~
- ~~7. Motorcraft operating on the surface of waterbodies.~~
- ~~8. Noise from animals and birds associated with non-commercial activities on a site.~~
- ~~9. Noise from vehicles, machinery or equipment undertaking agricultural, horticultural and pastoral activities in the rural environment, including noise from stock, other outdoor animals and working dogs, and audible bird scaring devices [HS6] but excluding noise from stationary processing activities.~~
- ~~10. Public firework displays.~~
- ~~11. Noise from plantation commercial [HS3b] forestry, which is managed under section 98 of the Resource Management (National Environment Standard for Plantation Forestry) Regulations 2017.~~

While the above noise sources are exempt from meeting the noise standards, any potential and actual adverse effects associated with the character, timing, duration or level of noise shall be considered for any discretionary or non-complying activity.

Section 16 of the RMA places a general duty on all operators and occupiers to adopt the *best practicable option* to ensure *noise* (including vibration) emitted from any *site* does not exceed a reasonable level. What constitutes a "reasonable level" is not prescribed by the RMA. However, the Rules and Standards of this chapter and the zone chapters are designed for the anticipated activities in each zone and may be used as a guide together with the relevant Objectives and Policies when considering whether the timing, duration, level and character of noise effects of activities that require resource consent will be reasonable.

Figure 16

Note X Environment Southland Consents may be required

The construction and maintenance of *defences against water* may require resource consent approval from Environment Southland.

Figure 17

Note X Other legislation

Under the Heritage New Zealand Pouhere Taonga Act 2014 it is unlawful to destroy, damage or *modify* an *archaeological site* (regardless of whether the *archaeological site* is identified in the District Plan or not) without obtaining an *archaeological authority* from Heritage New Zealand Pouhere Taonga (HNZPT) before you start work. If there is reasonable cause to suspect any works may encounter archaeology, an archaeological assessment should be undertaken by a consultant archaeologist to determine whether an *archaeological authority* is required to be obtained. An *archaeological authority* is required in addition to any resource consents required by the Council. An *archaeological site* is defined in this act as any place in New Zealand (including *buildings, structures* or shipwrecks) that was associated with pre-1900 human activity, where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods.

If you discover a previously unknown *archaeological site* (for example, when you are conducting *Earthworks*) you must stop any work that could affect it and follow the Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol. The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol manages unidentified *archaeological sites* that may be discovered as a result of *earthworks*. ~~You will need to contact Heritage New Zealand Pouhere Taonga for advice on how to proceed. The Police will also need to be notified if human remains are revealed. If any artefacts are found, they must be handed over to the Ministry for Culture and Heritage. It is strongly recommended that Hokonui Rūnanga also be contacted in the event of Māori artifacts or kōiwi (human remains).~~

Under the Building Act 2004 certain works may be undertaken without the need for resource consent in accordance with Section 133BY.

Specific conditions apply in relation to heritage buildings under Sections 133BV Urgent works to remove or reduce risks and 133BW Works to remove or reduce other risks. These sections outline the obligations of the responsible person carrying out works to a listed heritage building to remove risks.

Figure 18

Note X	Other legislation
	- The provisions of the National Environmental Standard for ~~Plantation~~ <i>Commercial Forestry</i> which apply for ~~to commercial~~ forestry activities and permits ~~both plantation forestry and harvesting commercial forestry~~ except in certain circumstances such as where the District Plan ~~have~~ <i>has</i> more restrictive rules on Forestry on Outstanding Natural Landscapes, Outstanding Natural Features or <i>Significant Natural Areas</i>. In those circumstances resource consent will be required from the Gore District Council. - The provisions of the National Environment Standard for Assessing and Managing <i>Contaminants</i> in Soil to Protect Human Health which apply where a HAIL activity has been undertaken on the <i>land</i> subject to specified activities and <i>subdivision</i>. In certain circumstances resource consent will be required from the Gore District Council. In the first instance reference should be made to the register of HAIL activity <i>sites</i> held by the Gore District Council. - The provisions of regional plans prepared by Environment Southland. This includes the taking, use and <i>discharge</i> of <i>water</i>, the <i>discharge</i> of <i>contaminants</i> to <i>land</i>, <i>water</i> or air and the erection of <i>structures</i> in riverbeds. In certain circumstances resource consent or permits will be required from Environment Southland.

Figure 19

Note X	Other legislation
	In addition to the requirements of the District Plan, <i>industrial activities</i> are also subject to other acts and bylaws administered by the Gore District Council, including <i>discharges</i> into the Council's sewerage system, and Environment Southland where, for example, <i>discharges</i> to air occur.

Figure 20

Note X **Approval Required from *Road Controlling Authority* or KiwiRail**

The approval is required from the *road controlling authority* where work is being undertaken, *structures* built, or use made of land within legal *roads*.

The *road controlling authority* is:

- ~~Waka Kotahi~~ New Zealand Transport Agency for all state highways; or
- the Gore District Council for all other *roads*, including unformed legal *roads*.

Any works undertaken within the legal rail corridor, including creation of any crossing, requires the approval of KiwiRail.

Figure 21

Note X **Telecommunication Infrastructure**

Telecommunication infrastructure is a regulated activity under the NESTF and is exempt from complying with the provisions in this chapter.

Table A: District Wide Activities Chapters – Notes to be included

Chapter title	Figure 2	Figure 3	Figure 4	Figure 6	Figure 7	Figure 8	Figure 10	Figure 11	Figure 12	Figure 13	Figure 14	Figure 15	Figure 20
ENRG – Energy													
INFR – Infrastructure	✓				✓	✓							
TRANS – Transport													✓
SUB – Subdivision	✓						✓						
ASW – Activities on the Surface of Water				✓				✓	✓				

EW – Earthworks	✓	✓	✓										
LIGHT – Light										✓			
NOISE – Noise											✓	✓	

Table B: District Wide Overlay Chapters - Notes to be included

Chapter title	Figure 4	Figure 9	Figure 16	Figure 17	Figure 20	Figure 21
NH – Natural Hazards			✓			✓
HH – Historical Heritage	✓			✓		
ECO – Ecosystems and Indigenous Biodiversity		✓				

Table C: Zone specific chapters- Notes to be included

Chapter title	Figure 1	Figure 5	Figure 18	Figure 19
LLRZ – Large Lot Residential Zone	✓			
GRZ – General Residential Zone	✓			
MRZ – Medium Density Residential Zone	✓			
GRUZ – General Rural Zone	✓		✓	
RLZ – Rural Lifestyle Zone	✓		✓	

SETZ – Settlement Zone	✓		✓	
MUZ – Mixed Use Zone	✓	✓		
TCZ – Town Centre Zone	✓			
LIZ – Light Industrial Zone	✓	✓		
GIZ – General Industrial Zone	✓			✓
NOSZ – Natural Open Space Zone	✓			
SARZ – Sports and Recreation Zone	✓			