

Gore Proposed District Plan

Hearing Stream 12

Outstanding Matters

Section 42A of the Resource Management Act 1991

Section 42A Report – Outstanding Matters

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Interpretation

Table 1: Abbreviations

Resource Management Act 1991	RMA or 'the Act'
Gore District Council	GDC or 'the Council'
Operative District Plan	ODP
Proposed District Plan	PDP
National Planning Standards 2019	PS
Southland Regional Policy Statement 2017	RPS
National Policy Statements	NPS
National Policy Statement on Highly Productive Land	NPS-HPL
National Policy Statement for Freshwater Management	NPS-FM
National Policy Statement for Urban Development	NPS-UD
National Environmental Standards	NES
National Environmental Standard for Freshwater 2020	NES-F
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011	NES-CS
Permitted Activity	PA
Controlled Activity	CA
Restricted Discretionary Activity	RDA
Discretionary Activity	DA
Non-complying Activity	NCA

Table 2: Submitters and Further Submitters Names Abbreviations

Chorus New Zealand Limited	Chorus
Contact Energy Limited	Contact Energy
Department of Conservation	DOC
Environment Southland	ES
Fire and Emergency New Zealand	FENZ
Groundswell New Zealand	Groundswell
Heritage New Zealand Pouhere Taonga	Heritage NZ
Hokonui Rūnanga Incorporated	Hokonui Rūnanga
Kāinga Ora – Homes and Communities	Kāinga Ora
KiwiRail Holdings Limited	KiwiRail
Mercury New Zealand Limited	Mercury
Ministry of Education	MOE
New Zealand Agricultural Aviation Association	NZAAA
New Zealand Defence Force	NZDF
New Zealand Heavy Haulage Association	NZ Heavy Haulage
New Zealand Helicopter Association	NZHA
New Zealand Transport Agency Waka Kotahi	NZTA
Royal Forest and Bird Protection Society of New Zealand inc	Forest & Bird
Southland District Council	SDC
Southland Federated Farmers of New Zealand	Federated Farmers
Spark New Zealand Trading Limited	Spark
Stoney Creek Station Limited	Stoney Creek
Transpower New Zealand Limited	Transpower
Woolworths New Zealand Limited	Woolworths

Table 3: List of Submitters and Further Submitters

Submitter No.	Submitter Name
S1	Howard Alchin
S3 & FS25	Stoney Creek Station Limited
S4	Susan Coulman
S5	Dwayne Smith
S6	BL & KM Shields Barry Shields
S7	Damiyen Crosbie
S8	Anton Hoffman
S9	Laura-Lee Hoffman
S10	Courtney Horrell
S11	Jenna Potter
S12	P & J Talbot
S14	Desmond Wilson
S15	Janice Wilson
S16 & FS12	Fuel Companies
S17	Resolution Developments Limited
S18	Reaby Downs Farm Ltd
S19	Karen Temple
S20	Sarah and Peter Barclay
S21	AdMore Designs Limited
S23	Mataura Marae
S24	Helen McIntosh
S25	Peter Kempthorne
S26	Michael Crymble
S28	Ravensdown Limited
S29	Leanne Grant
S30	Deborah Lawson
S31	Stephen Hook
S32	One New Zealand Group Limited
S33	FortySouth
S35	Chorus New Zealand Limited
S36	Clayton Rowland
S37	Connexa Limited
S39	Bernadette Howard
S40 & FS29	Silver Fern Farms
S41	Michele Gentle
S42	Kowhai Trust
S46	Margaret Katon
S47	David Katon
S48	Isobel Agnew
S49	Gore District Memorial RSA (Inc)
S50	Jacklyn (Jackie) Johnston
S51	Nick Crisp
S52	Brett Highsted
S53	Katherine Welsh
S54	Webbline Agriculture Limited
S55	Brent Herbert
S56	Richard Agnew
S59	Adrienne Crispin
S60	Ronald Crispin
S61	Camp Columba Charitable Trust
S62	Roy Agnew
S63 & FS18	New Zealand Helicopter Association

S64 & FS13	Jet Boating NZ
S65	Gore District Council
S66	Groundswell NZ
S68	John Baynes
S69	Ian Davidson-Watts
S74 & FS5	Hamish Weir
S75	James Weir
S76	Nicky Highsted
S77	New Zealand Heavy Haulage Association
S79	Andrew Welsh
S84	John Sheddan
S85	Environment Southland
S87	Ballance Agri-Nutrients
S89	Karen Menlove
S92	Nadine Fletcher
S94	Phil Checketts
S95 & FS23	PowerNet Limited
S96	Anna Kaui
S97	Woolworths New Zealand Limited
S98	Southland Developers Ltd.
S99 & FS22	Clark Fortune McDonald & Associates
S100 & FS6	Charlton Rise Limited
S101 & FS30	Transpower New Zealand Limited
S102	Clara McLennan
S103	McNabb Management Ltd
S104	McLeod-Wantwood Trust/Wantwood Station
S105	Farm Manager - Wantwood Station
S106	Mathew McLennan
S107	Ronald Ashby
S108 & FS7	HWR Property Limited
S109 & FS31	Department of Conservation
S110 & FS9	Royal Forest and Bird Society of NZ Inc
S111	Aggregate and Quarry Association
S112 & FS14	Waka Kotahi NZ Transport Agency
S113	Trudy Bokser
S114	Donna Vincent
S115	Kevin Robertson
S116	Nathan Bokser
S117	Greg Bokser
S118	AW+ JA Johnston Family Trust
S119	Mark Robinson
S120	Louwenda Robinson
S121 & FS27	Alliance Group Limited
S122	Fulton Hogan
S123 & FS11	Heritage New Zealand Pouhere Taonga
S124 & FS16	Fire and Emergency NZ
S125	Ministry of Education
S126 & FS17	Southland Federated Farmers of New Zealand
S127	Peters Farm LtdKaren Peters
S128	Greenbriar Ltd.
S129	Waikaka Gold Mines Limited
S130 & FS26	Mercury NZ Limited
S131	PA & JE Johnstone Family Trust
S132	KiwiRail Holdings Ltd

S133	David Pullar
S134	Andrea McMillan & Tony Harpur
S135	Straterra Inc
S136	Jenny Campbell
S137	Hugh Gardyne
S138 & FS10	Port Blakely Limited
S139 & FS20	Hokonui Rūnanga Inc
S140	Robina Johnston
S141	Debra & Gary Gibson
S142	Alan Taylor
S143	Rural Ratepayers Group
S144 & FS24	Contact Energy Limited
S145	Rural Contractors NZ Incorporated (RCNZ)
S146	Southland District Council
S147 & FS19	New Zealand Defence Force
S148	Alistair & Bernadette Hunt
S149 & FS21	Yrless
S152	Nigel Cowburn
S153	Oakland Farming Ltd
S154	Spark New Zealand Trading Limited
S155	MacKenzie Aviation Ltd
S156 & FS4	New Zealand Agricultural Aviation Association
FS28	Kainga Ora

1. Executive Summary

1. The Proposed District Plan (“PDP”) for Gore District was publicly notified on 31 August 2023. Hearings for the proposed District Plan started on 5 June 2025 and have covered all chapters of the PDP.
2. This report has been prepared in accordance with Section 42A of the RMA to address:
 - submissions points that have been omitted or are unresolved;
 - minor amendments, corrections and updates that have been noted throughout the hearings process;
 - consequential amendments and plan integration matters following recommended changes from the hearings process; and
 - any outstanding matters as directed by Minute 42.
3. The report intends to assist the Hearings Panel in making final decisions on the submissions and further submissions on the proposed Gore District Plan.
4. Recommended changes include:
 - Amendments to Part 1 of the Plan to:
 - Update National Policy Statement references
 - Include amended definitions and new definitions in the table outlining relationships between definitions.
 - Highlight consistent definitions and include a definition of ‘prospecting’.
 - Provide clarity for the approach to how the plan works and plan relationships, including the approach to where multiple district wide matters apply, and rules and standards and activity statuses.
 - Updates to provision numbering and other minor corrections such superfluous matters of discretion, incorrect terminology and cross referencing.
 - Inclusion of Hyperlinks throughout the Plan.
 - Corrections to mapping, including Special Purpose Zone colours and clarification of other mapping amendments made through other s42A reports.
 - Updates to designations following recent Council recommendations and deletion of several Historic Heritage listings.
 - Alignment and amendments to Notes throughout the PDP.
 - Incorporate recent recommended amendments as a result of Minutes from the Panel.

- Reference to a number of new provisions such as the McNab Development Area, New Vale Precinct and Natural Character Chapter.
 - Amendments to the Strategic Direction Chapter to ensure it aligns with amendments made to provisions throughout the hearing process.
5. A number of appendices are appended to this report, as outlined below:
- a. Appendix A contains an overview of recommended amendments to plan chapters as a result of the recommendations in this report.
 - b. Appendix B provides a table of the recommended response to omitted or unresolved submissions and further submissions.
 - c. Appendix C provides a list of the required mapping changes that are consequential changes of previous recommendations.
 - d. Appendix D contains a full list of the recommended chapter notes and an overview of how these are applied across the PDP.
 - e. Appendix E contains a list of Hyperlinks to be include in chapters throughout the PDP as a consequential amendment.
6. Further information responses to Minute 34, Minute 39 Minute 41 and Minute 43 will be provided separately to this report.

2. Introduction

2.1 Author and qualifications

7. My name is Tina Carlson-McColl, I am the author of this report. I am employed by The Property Group as a Senior Planner. I hold a Bachelor of Arts Sociology major, Planning minor from LaTrobe University, Australia. I have practiced as a Planner for 9 years in New Zealand and Australia in both district and regional Councils and in the private sector. I am an associate member of the New Zealand Planning Institute (NZPI), which brings with it obligations with regard to continuing professional development.
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 following chapters of the PDP, including the drafting of the Section 32 Evaluation reports¹ and the Designations Overview Report²:
- Transport
 - Historical Heritage

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

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

- Activities on the Surface of Water
 - Earthworks
 - Commercial Centre Zones
 - Designations
9. My experience includes work on strategic and policy projects as well as consent hearings. I have been involved in Council initiated Plan Changes and variations for Towong Shire Council and Gore District Council.
 10. The writing of this report has been collaborative with input from the following plan chapter reporting officers, including Matt Heale, Jo Skuse, Mishka Banhidi, Victoria Woodbridge and Courtney Bennett.

2.2 Code of Conduct

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

3. Scope of report and topic overview

13. This is the final Section 42A report for the full review of the Proposed District Plan, and its purpose is to close off any outstanding matters from the previous hearings.
14. Firstly, this report considers unresolved or omitted submissions and further submissions that were received by the Council in relation to the following chapter(s) of the PDP:
 - General Rural Zone
 - General Industrial Zone
 - Medium Density Residential Zone
 - Airport Zone
 - Subdivision
 - Historical Heritage
 - Interpretation

15. Secondly, this report addresses minor amendments, corrections and updates to the PDP that have been noted throughout the hearings process. These amendments are proposed under Clause 16(2) of the RMA, which 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.
16. Thirdly, this report addresses consequential amendments and plan integration matters following recommended changes from the hearings process that are proposed under Clause 10(2)b of the RMA, which allows decisions on the PDP to include matters relating to consequential alterations to the PDP which are necessary, relevant or arising from submissions.
17. Fourthly, the report also seeks to address any outstanding matters as directed by Minute 42 of the Hearings Panel, including further advice in relation to Minute 16 regarding afforestation, considering the Great South report: *Implications of Land Use Change from Pastoral to Carbon Forestry in Southland*.
18. Responses to Minute 34, Minute 39, Minute 41 and Minute 43 will be provided separately to this report.
19. Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions. These recommendations are shown by way of strikeout and underlining throughout this report.
20. A number of appendices are attached to this report as outlined above.

4. Statutory considerations and planning framework

4.1 Resource Management Act 1991

21. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:
 - f. Section 74 – Matters to be considered by territorial authorities; and
 - g. Section 75 – Content of District Plans.
22. As set out in the Section 32 Evaluation Report for the relevant topics 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 also provides an overview of the relevant Statutory considerations, higher order planning documents and other relevant plans and policies.
23. 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 Reports and Section 42A report in response to submissions. 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.

24. The Government has embarked on a programme of RMA reform which is divided into three phases as follows:
- a. Phase 1 - repeal the Natural and Built Environment Act and Spatial Planning Act.
 - b. Phase 2 – targeted amendments to the RMA and development of Fast-Track approvals legalisation.
 - c. Phase 3 – replace the RMA with two new Acts.
25. Phase 1 is complete.
26. Phase 2 has so far included the following:
- a. The RMA Amendment (Resource Management (Freshwater and Other Matters) Amendment Act 2024), which was passed into law on 23 October 2024 and which includes amendments to the NPS-FM, NES-F, NPS-IB and other matters which relate predominantly to Regional Plans. Any relevant amendments to NES and NPS have been considered within the specific topic s42A. For example, the amendments to the NPS-IB were considered as part of the ECO s42A report.
 - b. The RMA amendment bill (Resource Management (Consenting and Other System Changes) Amendment Bill) was introduced on 9 December 2024, submissions have now closed and the Select Committee will provide their report to the House in June 2025. Amendments primarily relate to resource consenting process (the implementation of the PDP), housing density provisions for Tier 1 Councils and some regional plan provisions.
 - c. The Fast-Track Approvals Act allows for specified and other activities which meet certain criteria to be processed under the Fast-Track Approvals Act rather than the RMA.
27. Phase 3 of the reform may progress later in 2025, however, it is uncertain how this part of the reform may impact on the PDP.

4.2 National Planning Instruments and other Relevant Plans and Policies

Resource Management reform

28. The Government has signalled that prior to the full Resource Management reform being introduced they will consult on amendments to existing NPS and NES. Details on the amendments remains at a high level, although where there are any more specific details available, these have been considered in this report or the relevant s42A report.
29. At this stage the Government has signalled that there will be four pillars of amendments as follows:

Infrastructure & Energy	Housing	Farming & the Primary Sector	Emergencies & Natural Hazards
• New NPS for Infrastructure • Amendments to NES for Telecommunications Facilities. • Amendments to NZ Coastal Policy Statement. • Amendments to NPS Renewable Energy Generation	• Amendment to NPS Urban Development and NPS Highly Productive Land • National Direction enabling granny flats and papakāinga housing. • New NES for heritage management	• Amendments to the NPS on Highly Productive Land (NPS-HPL) to enhance primary sector production. • Amendments to other NPS and NES for freshwater, indigenous biodiversity, commercial forestry, drinking water & marine aquaculture and stock exclusion regulations.	• New NPS for Natural Hazards

30. The following changes to national direction have particular relevance, in particular where the change has occurred since the notification of the Proposed District Plan.

The Resource Management (Freshwater and Other Matters) Amendment Act 2024

31. The Resource Management (Freshwater and Other Matters) Amendment Bill came into effect from 25 October 2024. The Act has nine key changes that:
- Exclude the hierarchy of obligations in the National Policy Statement for Freshwater Management (NPS-FM) from resource consenting while a review and replacement of the NPS-FM is undertaken.
 - Repeal the low slope map and associated requirements from stock exclusion regulations.
 - Repeal the permitted and restricted discretionary activity regulations and associated conditions for intensive winter grazing from the National Environmental Standards for Freshwater (NES-F) and replaces these with new regulations for setbacks from waterways and critical source areas.
 - Align the provisions for coal mining with other mineral extraction activities under the National Policy Statement for Indigenous Biodiversity (NPS-IB), NPS-FM and NES-F.
 - Suspend for three years requirements under the NPS-IB for councils to identify new Significant Natural Areas (SNAs) and include them in district plans. The Bill also extends some SNA implementation timeframes.
 - Speed up and simplifies the process for preparing and amending national direction, including national environmental standards, national planning standards, national policy statements and the New Zealand Coastal Policy Statement.
 - Clarify councils' ability to consent discharges that would result in significant adverse effects, provided receiving waters are already subject to such effects, and conditions reduce effects over time.
 - Pause the rollout of freshwater farm plans until work to improve the system is finalised.

- Restrict notification of freshwater planning instruments (regional policy statements and plans that give effect to the NPS-FM 2020) until a new NPS-FM takes effect or 31 December 2025. This applies from 22 October 2024.

National Policy Statement for Highly Productive Land 2022 (amended August 2024)

32. The National Policy Statement for Highly Productive Land 2022 (NPS HPL) was amended in August 2024. The NPS HPL requires Councils to recognise and provide for the value and long-term benefits of using highly productive land for land-based primary production. Highly productive land includes a land parcel with Land Use Capability 1,2, and 3 soils. 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.”
33. The changes made by the amendment now provide a consenting pathway for intensive indoor primary production, greenhouse activities and new specified infrastructure.

National Policy Statement for Indigenous Biodiversity 2023 (amended October 2024)

34. The National Policy Statement for Indigenous Biodiversity 2023 (NPSIB) came in to force 4 August 2023, and was amended in October 2024. The NPSIB provides direction to councils on how to identify significant natural areas and manage the adverse effects of new activities on them. The NPSIB provides for activities that are important for social, economic and cultural wellbeing, established activities to continue at the same level and new important or locationally constrained activities. The NPSIB requires councils to work in partnership with tangata whenua, to promote the restoration of indigenous biodiversity and indigenous vegetation cover, and to monitor our native species. Regional Councils are also required to have a regional biodiversity strategy setting out their native biodiversity priorities.
35. The amendments to the NPSIB suspends councils’ requirements to identify and notify new significant natural areas (SNAs) using the NPSIB assessment criteria and principles until October 2027. The implementation timelines to facilitate the three-year suspension were also amended. The amendments align the consent pathway for coal mines with other extractive industries and removes the sunset clause for existing thermal coal mines. The suspension does not affect NPSIB obligations on councils for SNAs already existing in policy statements, proposed policy statements, plans, proposed plans or changes before commencement of the Amendment Act.

National Policy Statement for Freshwater Management 2020 (amended January 2024)

36. The National Policy Statement for Freshwater Management (NPSFM) came into effect on 3 September 2020 and replaced the National Policy Statement for Freshwater Management 2014 (amended 2017). The implementation of the NPSFM is primarily a regional council function, however territorial authorities must adopt an integrated approach to freshwater management in that the whole environment is connected. The fundamental concept of the NPS is ‘Te Mana o te Wai’ that refers to the importance of water and recognises that protecting the health of freshwater, protects the health and well-being of the wider environment. Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban

development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.

37. Under the amendments Councils now have a three-year extension to December 2027 for notifying their freshwater plans, with the intention to provide interim intensification controls until regional councils could give full effect to the NPS-FM in their freshwater plans (originally due to be notified by 31 December 2024), including setting more certain limits and rules through the National Objectives Framework (NOF) process.

National Environmental Standards for Commercial Forestry 2023

38. The National Environmental Standards for Commercial Forestry are regulations made under the Resource Management Act (RMA) 1991 and came into force on 3 November 2023. Previously, the National Environmental Standards for Plantation Forestry (NES-PF) only managed forests planted for harvest. Since the NES-PF was introduced in 2018, there has been an increase in carbon forests, which weren't managed by the NES-PF. This follows a rise in the carbon price and subsequent farm conversions to forestry.
39. The regulations provide a set of nationally consistent rules for commercial forests that cover 8 broad activities, from planting through to harvesting. This includes plantation forests and exotic continuous cover forests. The NES-CF is implemented by regional councils and district councils. The NES-CF applies to any forest of at least one hectare that has been planted for commercial purposes. This includes plantation forests and exotic continuous cover forests. These are defined in the regulations.
40. Local authorities are obligated to align their plans with the NES-CF. Local authorities can include plan rules that are more stringent than the NES-CF if those rules meet the requirements of Regulation 6 of the NES-CF, and an evaluation under section 32(4) of the RMA is undertaken to specifically consider whether a more stringent rule is justified in the context of the region/district.

4.3 Section 32AA evaluation

41. 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.

42. 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).
43. 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.

4.4 Procedural matters

44. Legal Counsel for the Gore District Council provided a memorandum to the Hearings Panel listing matters to be considered at the final wrap up hearing (Hearing Stream 12). All submitters were advised of the memorandum, with an opportunity to comment on the matters listed in the memorandum and/or to request additional matters to be considered at the hearing. No responses were received from submitters.
45. The hearings panel issued Minute 42 which specified that the prime purpose of the final hearing is to document in a public report and enable consideration of:
 - (a) Omitted and unresolved submission points from previous reports and hearings;
 - (b) Minor amendments, corrections and updates to the content of the Proposed District Plan; and
 - (c) Consequential amendments and plan integration matters.
46. In addition, the Hearings Panel is seeking further advice from the Council's planners following on from Minute 16 regarding afforestation and the responses to that Minute.
47. The hearings panel has separately issued Minute 34 Transport, Minute 39 Natural Features and Landscapes, and Minute 41 Ecosystems and Biodiversity.

5. Background

48. The Section 42A Introduction, General Provisions and Strategic Direction Report includes details of the PDP notification, submission statistics and the hearings process and a general overview of the background to the PDP. In addition, the report provides an overview of National Planning Instruments and other Policies and Plans relevant to the PDP as a whole.

49. The Section 32 Evaluation Report for each of the topics of the plan also provide relevant background information. They assess and consider the relevant higher order planning documents and any strategic plans, which provide direction and guidance for the preparation and content of the chapters.
50. The Section 42A reports, supplementary evidence and technical reports for the previous hearings on the PDP have relevance for this report and should be used for reference for the relevant topic, in particular where potential consequential changes have been noted.

6. Omitted or unresolved submission points

6.1 Structure of the report

51. Submissions considered in this report have been grouped by those that have been addressed across various hearings and s42A reports but are unresolved, or those that have been omitted. Where it has been identified that a matter raised in submissions has not been considered in previous hearing streams, additional assessment has been undertaken within this report.
52. Where there are multiple submissions on Plan provisions these may be grouped if there are common themes. I have considered the substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submission(s) to which they relate.
53. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission-by-submission approach. I have organised the evaluation in accordance with the layout of chapters of the PDP as notified.
54. Where submission points have been addressed in previous Section 42A the evaluation is generic only with reference to the previous report and may not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA. Specific recommendations on each submission / further submission point are contained in **Appendix B**.
55. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in **Appendix B**. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. I have provided a document listing recommended amendments to each chapter of the plan in response to the matters considered in this report as **Appendix A**. Appendix A does not contain a full track changed version of the plan, the exact track changed wording as this can be found in body of this report.

6.2 Overview of submissions

56. A total of 18 submissions and 1 further submission are specifically addressed in this section of the report, but since this is the final hearings report which considers consequential amendments and plan integration matters to the plan as a whole, it has some relevance to all submitters. Overall, a total of 130 submissions containing 5544 submission points, and 26 further submissions covering 1462 submission points were received on the plan as a whole. A full list of all submitters and further submitters on the PDP is provided at the start of the report.

6.3 Format for consideration of submissions

57. For each identified topic, I have considered the submissions that are seeking changes to the PDP in the following format:
- Matters raised by submitters;
 - Assessment;
 - Summary of recommendations; and
 - Section 32AA assessment.
58. The recommended amendments to the relevant chapters are set out in **Appendix A** of this report. **Appendix A** does not contain a full track changes version of the plan, the exact track changed wording as this can be found in body of this report

6.4 Omitted or unresolved submission points

Submissions omitted from 42A reports

Matters raised by submitters

59. Peter Kempthorne (S25.005) requests a 4km noise buffer zone over the Gore Airfield to protect from unwarranted complaints about aircraft movements.
60. Charlton Rise Limited (S100.012) support the overview and purpose of the Medium Density Zone. In particular, the recognition of the Gore West Development Area provisions prevailing over the Medium Density provisions if there is any conflict. The submitter seeks the overview is retained as notified.
61. KiwiRail (S132.234) seeks the following amendments to GIZ-R9 to also refer to the standard provided in Appendix A of their submission:

Where:

- 5.The activity complies with Noise-S3 and Noise- SX (acoustic treatment)

Peter Kempthorne

62. Peter Kempthorne's (s25.005) submission requesting a 4km airport buffer zone was rejected in the Airport s42A in HS2 and deferred to HS6- Noise. The submission point was omitted from the Noise s42A report.
63. The submitter did not provide any evidence at either Hearing Stream 2 or Hearing Stream 6 to justify the 4km buffer and so it is unclear as to whether such a buffer is warranted to manage noise effects from the Airport.
64. The Styles Group Noise Chapter Review – Gore Proposed District Plan dated 2 August 2023 considered management of noise from the Charlton Aerodrome. The PDP Noise Chapter provides an exemption for noise associated with the take-off and landing of aircraft to and from the Airport Zone and permits noise from the take-off and landing of helicopters in the Airport Zone. Other activities, excluding aviation activity, are required to comply with the specific noise standards for the Airport Zone which allow for the following:
 - a. A maximum noise level of 70 dB LAeq at any time when measured at or within the notional boundary of another site.
65. However, there are no measures included in the PDP to prevent reverse sensitivity effects from future development around the airport. It is unclear what the future plans for the airport and what the current level of activity in terms of noise generating activities are at the airport.
66. Styles Group recommended that NZS6805:1992 Airport Noise Management and Land Use Planning is adopted to manage noise effects from the airport. NZS6805 includes the use of air-noise boundaries as a means of protecting the airfield from encroachment and potential reverse sensitivity effects. The development of these boundaries is informed by air noise exposure for the airport, based on an average day calculated from all operations during the busiest three months of the year.
67. However, as no information relating to operations at the airport, such as daily aircraft movements, has been provided by the submitter there is insufficient information to determine an appropriate air noise boundary. If the submitter wishes to pursue their submission and allow for consideration of an air noise boundary around the airport then I recommend they provide necessary information to allow for this assessment to be undertaken.
68. It is noted, however, that the land around the airport is zoned General Rural (GRUZ). The PDP enables a lower density of development within the GRUZ with the permitted activity standard enabling 1 dwelling per 40 hectares and minor residential units being limited to one per site. This will limit the amount of development which can occur around the Airport which in turn will assist in managing reverse sensitivity effects.
69. Overall, given lack of information about airport operations and flight frequency to determine if an air noise boundary is necessary and considering the low density zoning surrounding the airport the submission is rejected.

Charlton Rise Limited

70. Charlton Rise Limited (S100.012) was omitted from HS4 – Residential in error due to duplicate submission point numbers. The submitter seeks the “Overview and Purpose” of the MDR zone is retained as notified. Through HS4, only a consequential change to the term “well-being” was recommended to be changed in this section of the Chapter. Support from Charlton Rise Limited is acknowledged and no further changes are recommended. The submission is accepted.

KiwiRail

71. KiwiRail (s132.234) submission requesting changes to GIZ-R9 was deferred from the Industrial & Development areas 42A to the Noise 42A in HS6. The submission point was subsequently omitted from this report and therefore, is considered as follows:
72. The submission relates to another submission point (s132.01) made by KiwiRail to include a specific noise standard for managing reverse sensitivity effects associated with noise generated by the railway corridor. Submission s132.01 was accepted in part in Hearing Stream 6 (Noise) and NOISE-S4 was recommended to be added. NOISE-S4 relates to acoustic treatment for noise sensitive activities within the Railway Corridor and State Highway Noise Control Overlays. The Railway Noise Control overlay is mapped on the PDP planning maps making it clear to plan users whether they are within that overlay or not.
73. The Railway Noise Control overlay crosses a range of different zones and so NOISE-S4 will be applicable to noise sensitive activities in all of those zones, for example Mixed Use Zone, Light Industrial Zone and General Residential Zone.
74. KiwiRail did not request that a new standard referring to their requested new noise standard be included in zones other than GIZ. In my opinion it would be inconsistent, and unnecessary, to refer to the standard (NOISE-S4) in the GIZ. The purpose of requiring compliance with NOISE-S3 in Rule GIZ-R9 is in part because this standard does not relate to an overlay and so including a cross reference is both user friendly to plan users but also signals that the activity would potentially not be appropriate (i.e. permitted) if the acoustic treatment required was not undertaken due to reverse sensitivity effects on activities which are anticipated and enabled in the zone.
75. As NOISE-S4 relates to an overlay which is clearly highlighted to plan users when viewing the planning maps there is no need, in terms of plan useability, to include a cross reference.
76. For these reasons I reject the submission from KiwiRail.

Recommendation

77. I recommend, for the reasons given above, that s100.012 is accepted whilst s132.234 and s25.005 are rejected
78. No changes to PDP provisions are recommended.
79. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Submissions omitted from Appendix B tables

Matters raised by submitters

80. The following submission were addressed in the respective Section 42A reports for the relevant topic, but were omitted from the table of officer recommendations in Appendix B. A brief overview of the submissions is provided below.
81. Silver Fern Farms (S40.013), Transpower (s101.011), and Alliance (s121.015) sought various amendments to the definition of 'sensitive activity'. These were discussed in detail in the Industrial Zones & Development Area 42A in Hearing Stream 4³.
82. Ministry of Education (s125.005), Federated Farmers (s126.045), Kevin Robertson (s115.046) Ronald Crispin (s60.048), Rural Ratepayers Group (s143.057), Alistair & Bernadette Hunt (s148.058), and John Baynes (s68.166) submitted in support of the definition of 'sensitive activity'. These points were discussed in the s42A Industrial Zones & Development Area⁴ in hearing stream 4.
83. DOC (S109.018) support inclusion of 'Threatened or at Risk, and threatened or at risk (declining)' definition that is consistent with the NPS IB.
84. NZTA (S112.077) seek a minor correction to SUB-P5 to amend typo error- 'States highways' to 'State highways'.
85. Trudy Bokser (S113.046) seek insertion of a 'Hokonui Hills Special Precinct' to recognise the presence of farming activities and values of the area with specific provisions.

Assessment

86. The submission points were addressed in detail in the respective Section 42A reports for the relevant topic. A brief overview of the recommendations is provided below.
87. The submission points on the 'sensitive activity' definition were discussed in full in the Industrial Zones & Development Area 42A in Hearing Stream 4 but were not included in the Appendix B with the officer recommendations. No changes were made to the 'sensitive activity' definition and therefore the submission points were either accepted if supportive of the definition or rejected if requesting changes. No changes are recommended to this definition.
88. DOC (s109.018) submission point was addressed in the Ecosystems and Indigenous Biodiversity 42A in HS10. The submission point was accepted, and no changes are recommended.
89. NZTA (S112.077) submission point was addressed in the Subdivision 42A in HS7. The submission point was accepted, and no changes are recommended.

³ Assessed at section 7.1, Section 42A Industrial Zones & Development Area Report

⁴ Assessed at paragraphs 67 and 72, Section 42A Industrial Zones & Development Area Report

90. Trudy Bokser (S113.046) submission points was addressed in the Natural Features and Landscapes 42A in HS9 but not included in Appendix B. The submission point was accepted in part and no changes to that recommendation are proposed.

Recommendation

91. As the submissions have already been considered, no further changes are recommended to the relevant chapters.
92. It is recommended that submission points and further submission points are either accepted, accepted in part or rejected as shown in **Appendix B**.

Unresolved Submission Points

Matters raised by submitters

93. PA & JE Johnstone Family Trust (S131.001) oppose the listing of HH-81 Gore Dairy Factory and request time to speak at the hearing to provide evidence from a technical expert. Heritage NZ (FS11.034) oppose this submission and submit that all sites, buildings, structures and items on the proposed HH-SCHED2 are retained unless assessed by a suitable qualified and experienced heritage expert.

Assessment

94. PA & JE Johnstone Family Trust (S131.001) seek the removal of HH-81 from the proposed list of heritage items. This submission was considered in Hearing Stream 8 – Historic Heritage and rejected, consistent with expert advice⁵. However, the submitter was unable to attend and speak at the Hearing and has requested time at the final hearing to provide additional evidence. In lieu of the additional evidence being provided there is no change to the recommendations.

Recommendation

95. I recommend, for the reasons given above, that submission s131.001 is rejected.
96. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

7. Minor amendments, corrections and updates

97. 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.

⁵ Assessed at paragraphs 98 and 100, Section 42A Report: Historic Heritage

98. The following minor and inconsequential amendments relevant to this report are identified below in relation to the following matters and are proposed to be amended.

- Updates to national direction documents and Part 1
- Updates to chapters including provision numbering and any referencing
- Hyperlinks to other legislation
- Corrections to maps
- Update schedules and maps in light of recent resource consent decisions
- Changes to terminology

7.1 Part 1 of the Plan - Introduction and General Provisions

99. Required changes to Part 1 of the plan following the completion of the hearings process include to update the contents, chapter references, plan provisions and short codes. These consequential changes are discussed in Section 8 of this report and are consolidated in **Appendix A**. Appendix A follows a format that reflects the content of the plan to assist the panel to make these changes to Part 1.
100. A number of minor changes, updates and corrections are required to Part 1, and these are discussed below. It is also recommended that Part 1 is reviewed for any reference to “the proposed plan” and potentially deleted or amended to reflect the plan review stage. The references within subsequent plan chapters have been reviewed throughout the hearings process.

How the Plan works

101. “The proposed plan” is referred to a number of times in this section of the plan, including in relation to Existing Use Rights, Legal Effect of Rules and Activity Statuses, where the use of the term is considered appropriate. However, in relation to the description of the general approach to plan structure it is recommended that the reference to “The Proposed Gore District Plan” is amended to more generally refer to “the plan”, as shown below:

General Approach - Plan Structure

...

The ~~Proposed Gore District~~ Plan has two primary components, the written text which contains all of the resource management objectives, policies, and rules and the planning maps which indicate in graphic form the area to which certain rules in the written text apply. The written text should be read as a whole so that the common themes of the District Plan and the relationship between the various chapters can be understood.

As per the requirements of the National Planning Standards the ~~Proposed Gore District~~ Plan consists of four parts, which are summarised in the table below:

...

National Direction Documents

102. A number of national direction documents have been amended since the notification of the Proposed District Plan, references in the National Direction Instruments chapter are required to be updated as show below:

National Policy Statements
National Policy Statement for Highly Productive Land 2022 <u>(amended August 2024)</u>
National Policy Statement on Urban Development 2020 <u>(updated May 2022)</u>
National Policy Statement on Freshwater Management ~~2014 (amended in August 2017)~~ <u>2020 (amended January 2024)</u>
National Policy Statement for Indigenous Biodiversity 2023 <u>(amended October 2024)</u>
National Environmental Standards
Resource Management (National Environmental Standard on ~~Plantation~~ Commercial Forestry) ~~Amended Regulations 2017-2023~~

Interpretation Chapter

103. In Mr Heale’s Right of Reply to Hearing Stream 1 (27 June 2024) he noted that some consequential changes to the Interpretation section of the plan may be required following later hearings. Changes to definitions themselves have been addressed in relevant hearings. Mr Heale also indicated that consequential changes may also be required to the “Relationship Between Definitions” part of the Interpretation Section of the plan in the event that the definitions quoted change. These changes are highlighted in red below (the black amendments are those recommended in Hearing Stream 1):

Relationship Between Definitions ~~Nesting tables~~

The relationship between some of the defined terms is shown in the bulleted, hierarchical lists below.

Activities are listed with the more general above and the more specific below. For example, under commercial activities, retail activities is the more specific activity. There may also be additional subcategories under the specific activities that are not listed ~~ose more specific components may also include more specific activities that are not listed,~~ for example “yard based retail activity” is a subcategory of “retail activity” and is not listed. Where an activity table for an overlay, zone, District-wide or precinct lists a general activity, that general activity includes all of the specific activities listed below unless otherwise specified.

Where an activity is heading a list, the class or activity status of that activity also applies to the bulleted activities in the list below it.

Where a specific activity is bulleted under a general activity, then:

1. any standard in an overlay, zone, District-wide or precinct for that specific activity will apply despite the class or activity status of the general activity; and
2. any standard for the general activity will also apply to the specific activity where there is no corresponding standard for the specific activity.

Commercial activities

- Retail Activity
- Commercial Service Activity
- Food and Beverage Activity
- Car parking activity
- Service station
- Office activity
- Entertainment and Hospitality Activities
 - o Conference facility
- Rural Commercial Recreation Activity
- Animal boarding activity
- Equestrian facility~~yes~~
- Rural Produce Retail Activity~~yes~~
- Visitor Accommodation
 - o Homestay
 - o Camping grounds
- Home business

Community Facility

- Emergency Services Facility
- Hospital activity
- Healthcare activity

Educational Facility

- Trade and Industrial Training Facility
- Early Childhood ~~Education Facility~~
- Home-based Child Care services

Residential Activity

- Supported Residential Accommodation Activity
- Residential unit
- Minor residential unit
- Comprehensive Residential Development
- Cluster housing
- Retirement village

Industrial activity

- Light Industrial Activities

Primary Production

- Agricultural, horticultural and pastoral activities
- ~~Mining, quarrying activities and/or~~ Commercial forestry activities
- Plantation Forestry
- Exotic continuous-cover forests

• ~~Prospecting for and~~ Mining Minerals

- Quarrying activities

Aviation activity

- Agriculture Aviation activity

104. Amendments have been made to better reflect terms that are used in the plan. While some of these activities in the list above are not specifically defined in the PDP they are referred to. For example:

- Early Childhood Facility is used in the definition of Sensitive activity and not anywhere else in the plan as these sit within the definition of Educational Facility
- Home based childcare services is a permitted condition under the educational facility rule in the Residential Zone (eg GRZ-R6) but this is not defined

105. Given that the activities in the activity table above are used as examples only it is not considered that they all need to be defined. However, prospecting is not defined but mining is. Prospecting is specifically excluded from the definition of mining so could be excluded from the list above however prospecting is used in GRUZ-R2. Should the panel desire, prospecting could be defined as per the Crown Minerals Act 1991, as follows:

prospecting—

- (a) means any activity undertaken for the purpose of identifying land likely to contain mineral deposits or occurrences; and
- (b) includes the following activities:
 - (i) geological, geochemical, and geophysical surveying;
 - (ii) aerial surveying;
 - (iii) taking samples by hand or hand held methods;
 - (iv) taking small samples offshore by low-impact mechanical methods

7.2 Updates and corrections to chapters, including provision numbering and references

106. This section outlines minor amendments, updates and corrections necessary to the chapters of the plan. Any relevant updates and corrections to the ECO, NFL, Transport and Natural Hazards chapters will be included in the respective Minute responses.

Infrastructure

- Objectives require renumbering as INFR-O2 is recommended to be deleted.
- INFR-S5 should be renamed as follows (amendment in red): Minimum Setbacks from Rivers and Streams.

Earthworks

- Update EW-R5.5 reference from “~~Regionally significant infrastructure~~” to “critical infrastructure”.

- In option A of the Earthworks chapter rules EW-R1 to EW-R6 are recommended to be deleted and EW-R13 to be relocated to the Natural Hazards chapter, and the numbering of the rules need to be updated as follows:
 - EW-R~~71~~71 Digging of dead holes and farm rubbish pits
 - EW-R~~82~~82 Earthworks for silage pits
 - EW-R~~93~~93 Earthworks for the construction, maintenance and repair or upgrade of a farm track or farm infrastructure
 - EW-R~~104~~104 Earthworks for the construction, upgrade or maintenance and repair of the transport network and recreational walking and cycling tracks
 - EW-R~~115~~115 Earthworks and land disturbance for network utilities, or renewable electricity generation activities [HS7] including associated vehicle access tracks
 - EW-R~~126~~126 Earthworks and land disturbance within National Grid Yards
 - EW-R~~147~~147 Earthworks and land disturbance not otherwise provided for
- EW-S4 Instability of Land is recommended to be deleted from the standards table, and the numbering of the subsequent standards therefore needs to be updated. In addition, any reference to the standards within the rule conditions also need to be amended, as shown below:
 - EW-S~~54~~54 Erosion, sediment, and dust control
 - EW-S~~65~~65 Site Reinstatement
 - EW-S~~76~~76 Accidental Discovery Protocol
 - EW-R7 to EW-R11 (numbers as notified) rule condition 3 to:
 3. The works are undertaken in accordance with Earthworks Standards EW-S1, EW-S2, EW-S3, EW-S~~45~~45, ~~EW-S5~~ and EW-S~~76~~76.

Natural Hazards

- Delete NH-R4, Matter of Discretion 5 (reference to standards that does not apply)

Matters of discretion:

1. The potential to create new or exacerbate existing *natural hazards*, impact natural drainage patterns, redirect overland flow paths or flood flows.
2. *Effects on water quality.*
3. Sediment and erosion *effects* and management.
4. Impacts on Ngāi Tahu cultural values, including those listed in MW-2.3.

5. ~~The matters of discretion of any infringed Standard(s).~~

Natural Open Space Zone

- NOSZ-R5 – Agricultural, horticultural and pastoral activities was recommended to be deleted from the Rule Activity Table. As such the remaining Activity Rules following NOSZ-R5 need to be renumbered. This would result in NOSZ-R11 Building Activity, becoming NOSZ-R10. NOSZ-R8 Commercial Activities and NOSZ-R9 Residential Activity (to be renumbered to NOSZ-R7 and NOSZ-R8 respectively) contain Notes advising plan users that whilst these activities are permitted, new buildings associated with these activities require consent pursuant to NOSZ-R11. These notes will also need be to be updated to reflect the new numbering.

General Residential Zone

- Rule GRZ-R14 - Water Supply Treatment Facility Buffer Area is recommended to be deleted. Consequently, 'GRZ-R15 - All other activities' should be renumbered to GRZ-R14.

Large Lot Residential Zone

- Rule LLRZ-R11 - Water Supply Treatment Facility Buffer Area is recommended to be deleted. Consequently, 'LLRZ-R12 - All other activities' should be renumbered to LLRZ-R11.
- LLRZ-S1 – Density, is missing a non-compliance reference in relation to the additional text added for the Eversfield Precinct. The following addition is recommended:

LLRZ-S1(3), ~~LLRZ-S1(4)~~ or ~~LLRZ-S1(5)~~: Non-Complying

General Rural Zone

- GRUZ-P3, GRUZ-P7, GRUZ-P14, GRUZ-P16, the numerical list format within the policies should be amended to '1. 2. 3.' Etc. to align with the planning standards format.
- Policy numbering update: GRUZ-PREC14-P~~12~~
- GRUZ-R4 – renumber references in right hand column to account for additional compliance standard (7):

GRUZ-R4(1) to GRUZ-R4(~~6~~7): Restricted Discretionary...

GRUZ-R4(~~7~~8): Restricted Discretionary....

GRUZ-R4(~~8~~9): Discretionary...

GRUZ-R4(~~9~~10): Restricted Discretionary...

GRUZ-R4(~~10~~11) - GRUZ-R4(~~12~~13): Restricted Discretionary

- GRUZ-R10 – renumber references in lefthand column to account for deleted compliance standard (2), and renumber non-compliance standard references as follows:

GRUZ-R10(1) ~~to~~& GRUZ-R10(~~32~~): Discretionary

GRUZ-R10(~~43~~): Restricted Discretionary

- GRUZ-R12 – renumber references in lefthand column to account for deleted compliance standard.

Mixed Use Zone

- Notes numbering to be updated.
- Rule numbering – ‘MUZ-R15 Comprehensive Residential Development’ should be renumbered to ‘MUZ-R17’ and ‘MUZ-R16 All Other Activities’ should be renumbered to ‘MUZ-R18’.

General Industrial Zone

- GIZ-R8.4 should be reformatted to GIZ-R8(4).
- The matters of discretion for GIZ-S2 should be renumbered to 1 and 2 and the matters of discretion for GIZ-S5A should be renumbered to 1 to 7.

Camp Columba Zone

- Rule CCZ-R7 should refer to CCZ-S2 not CCZ-S3.

Airport Zone

- AIRPZ-R9 – Typo in righthand column when referencing rules number and typo in AIRPZ-R9, point (3) of compliance list contains additional text to be deleted:

AIRPZ-R~~89~~(1) or AIRPZ-R~~89~~ (2): Non-Complying

AIRPZ-R~~89~~ (3): Restricted Discretionary

3. ~~3.~~ Any new, relocated, or extended....

Historic Heritage

- Provide links in the HH-SCHED2 and HH-SCHED3 to heritage records.
- The consecutive numbering in HH-SCHED3 needs to be amended as a consequential amendment of the recommended deletions of HH-A9, HH-A11, HH-A12 and HH-A17.

Notable Trees

- Provide links in the TREE-SCHED to tree records.

7.3 Hyperlinks to legislation

107. In Hearing Stream 8 Heritage New Zealand Pouhere Taonga submission (S123.020) seeking that a hyperlink be included to any reference to the Heritage New Zealand Pouhere Taonga Act 2014 throughout the plan was accepted, and it was recommended that hyperlinks to all legislation referenced throughout the PDP be provided as a consequential amendment for consistency.
108. If the Panel is of a mind to accept this recommendation, a list of hyperlinks in **Appendix E** can be included in the District Plan. The list includes legislation referenced throughout all chapters except the Interpretation Chapter. However, once decisions are issued, the Plan will be displayed in an e-plan format and hyperlinking legislation may be more appropriate at that stage.

7.4 Corrections to maps

109. It was identified through Hearing Stream 2,⁶ in relation to the Camp Columba Zone, Field Days and Airport Zone, that the PDP planning maps format, did not align with the National Planning Standards mapping standards.
110. The Special Purpose Zones include the Airport Zone, Camp Columba Zone, Field Days Zone and Māori Purpose Zones. The National Planning Standards 2019 mapping standard requires all Special Purpose Zones to utilise the following colour palette⁷:

Special purpose zones		RGB: 204, 204,204
-----------------------	--	-------------------

111. As the Airport Zone, Camp Columba Zone, Field Days Zone are currently mapped in different colours, and this needs to be corrected, as detailed in **Appendix C**.

7.5 Update schedules and maps in light of recent resource consent decisions

112. Since the notification of the plan a number of resource consent decisions or designation decisions have been issued that will affect the proposed plan schedules and maps, as shown in the table below.

PDP Provision	Property Address	Consent Number	Description
HH-65	90 Kakapo Street	LU 24044	Demolition of heritage building
MPOL-2	117 Main Street, Maitua	OTHR 23705	Partial removal of designation D19
CNZ-5	22 Crewe Street	OTHR 25701	Notice of a new designation
HH-40	16- 18 Bridge Street		Building demolished

⁶ Paragraphs 153 and 154, Section 42A Report: Part 3 Field Days Zone and Camp Columba Zone

⁷ Table 19: Zone colour palette, Section 13. Mapping Standard Mandatory directions

113. Helen Dempster on behalf of NZ Transport Agency Waka Kotahi (s112) in her submitter evidence for Hearing Stream 5, in relation to the Designations topic, sought map corrections to the six areas of the NZTA designations boundaries. The change was rejected consistent with legal advice on the basis that the directly affected landholders had not been notified of the change. No Notice of Requirement seeking the change has been lodged by the requiring authority to date.
114. It is therefore recommended to amend the HH-SCHED2, Designation chapter: Chorus NZ Ltd – CNZ and Minister of Police / NZ Police – MPOL and maps as shown below, and as described in **Appendix A**.

Historic Heritage

HH-SCHED2 - Heritage Sites, Buildings, Structures and Items						
Unique identifier	Site identifier (address)	Site identifier (name)	Site type	Heritage record	Protected elements	HNZPT list
...						
HH-40	~~18 Bridge Street, Maitland~~	~~Former J & J Galt building~~	~~Heritage building and its setting~~	~~{link}~~	~~Entire external envelope~~	
...						
HH-65	~~90 Kakape Street, Gore~~	~~former Logie/Cook house~~	~~Heritage building and its setting~~	~~{link}~~	~~Entire external envelope~~	-
...						

Designation CNZ - Chorus NZ Ltd

<u>Gore Exchange</u>	
<u>Designation unique identifier</u>	<u>CNZ-5</u>
<u>Designation purpose</u>	<u>Telecommunication, radiocommunication and ancillary purposes</u>
<u>Site identifier</u>	<u>22 Crewe Street, Gore</u> <u>Lot 1 DP 602318</u>
<u>Lapse date</u>	<u>20 February 2030</u>
<u>Designation hierarchy under section 177 of the Resource Management Act</u>	<u>Primary</u>
<u>Conditions</u>	<u>Built Form</u> <u>That the total footprint of all buildings on the site shall not exceed 300m².</u> <u>Buildings are to be set back at least one (1) metre from all boundaries.</u>

	<u>3. The maximum building height of any building shall not exceed 7 metres (excluding poles/antenna/generator exhausts).</u> <u>4. The maximum height of any poles, antenna, and/or generator exhausts shall not exceed 13 metres.</u> Noise <u>5. Noise from activities associated with the designated purpose (other than back-up electricity generation) shall not exceed:</u> a) <u>45 dBA Leq 10.00pm – 7.00am measured at any other point in any other site or within the boundary of any residence.</u> b) <u>55 dBA Leq 7.00am – 10.00pm am measured at any other point in any other site or within the boundary of any residence.</u> c) <u>75 dBA Lmax measured at any other point in any other site within the boundary of any residence.</u> <u>Noise shall be measured in accordance with the provisions of NZS 6801:2008 Acoustics Measurement of Environmental Sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental Noise.</u> <u>6. Prior to the installation of any electricity generator used for emergency back-up electricity generation and for maintenance test runs, the requiring authority shall demonstrate how the equipment and any mitigation measure is the best practicable option (BPO) to ensure that noise levels do not exceed a reasonable level. Noise from the generator should be as close to the limits set out in condition 5 as practicable.</u>
Additional Information	Nil

Designation MPOL - Minister of Police / NZ Police

Mataura Police Station	
Designation unique identifier	MPOL-2
Designation purpose	Police Facilities Purposes
Site identifier	~~117~~ -119 Main Street, Mataura ~~Sec 20 Blk IX Town of Mataura-~~ ~~Section 1 SO 496231~~
Lapse date	Given effect to (no lapse date)
Designation hierarchy under section 177 of the Resource Management Act	Primary
Conditions	None
Additional Information	Nil

115. The consecutive numbering in the HH-SCHED2 and HH-SCHED3 needs to be amended as a consequential amendment of the deletion.
116. In addition to the above changes, corresponding changes to the plan maps are required, these are detailed in **Appendix C** and listed in **Appendix A**.

7.6 Changes to terminology

117. The Section 42 Introduction, General Provisions and Strategic Direction Report considered and assessed a submission point from Southland Federated Farmers (s126.181), Kevin Robertson (s115.182), Ronald Crispin (s60.184), Rural Ratepayers Group (s143.193), Alastair and Bernadette Hunt (148.194) and John Baynes (s68.302) to amend the wording of “wellbeing” to “well-being” to be consistent with the manner in which the word is expressed in Section 5 of the RMA. The recommendation in the report was to accept the submission point and throughout the PDP amend “wellbeing” to “well-being”. Consequential changes to a number of plan provisions have been made throughout the hearings process, however changes are required to a number of Chapters, as shown below and consolidated in **Appendix A**.

- Interpretation
- Mana Whenua Chapter
- Urban Form and Development
- Light
- Noise
- Signs
- Large Lot Residential Zone
- General Residential Zone
- Medium Density Residential Zone
- General Rural Zone
- Light Industrial Zone
- Sport and Active Recreation Zone
- Airport Zone
- Māori Purpose Zone
- Camp Columbia Zone
- Field Days Zone

118. In response to Minute 12, the Legal submissions of Counsel, dated July 10th 2024, advised that the terms ‘shall not’ and ‘must not’ ordinarily have the same meaning and both are creating mandatory obligations. ‘Shall not’ is a more traditional term whereas ‘must not’ is the term used in modern statutory drafting. The PDP can be amended for consistency with either term. The terms are located in most chapters of the PDP and will not be listed individually.
119. In the Field Days & Camp Columbia 42A report, it is recommended as a correction of a minor error to amend Education Facility in CCZ-R1 to Educational Facility as this aligns with the National Planning Standards. To provide consistency in terminology it is recommended that

this change be made across the PDP. Changes are required in the following locations across the plan:

Chapter	Provision
General Rural Zone	GRUZ-R10
Rural Lifestyle Zone	RLZ-P6 RLZ-R11
Large Lot Residential Zone	LLRZ-P6
General Residential Zone	GRZ- P6 GRZ-R6 GRZ-R8
Medium Density Residential Zone	MRZ-P8 MRZ-R6 MRZ-R8 MRZ-R14
Settlement Zone	SETZ-R6
Natural Open Space Zone	NOSZ-R12
Camp Columbia Zone	CCZ-R1

120. In the Rural 42A report, Forest and Bird (s110.007) and Port Blakely (s138.012) sought that the definition of Plantation Forestry be amended to align with the National Environmental Standards for Commercial Forestry (NES-CF) which replaced the National Environmental Standards for Plantation Forestry (NES-PF) in November 2023. The s42 author recommended a new definition for ‘commercial forestry’ and ‘exotic continuous-cover forestry’ to align with the NES-CF. It is noted that ‘commercial forestry’ and ‘plantation forestry’ have different definitions, with ‘commercial forestry’ being an umbrella term encompassing ‘exotic continuous-cover forestry’ and ‘plantation forestry’. It is recommended in the s42 report to amend the references to ‘Plantation Forestry’ to refer to ‘Commercial Forestry’ and the NES CF within the plan, where necessary to align with higher order documents. These changes are required as shown below and consolidated in **Appendix A**.

Chapter	Provision	Amend
National Direction Instruments	National Environmental Standards	NES-PF to NES-CF
Ecology and Indigenous Biodiversity	ECO-P5 ECO-R1	Plantation to Commercial *3 changes required Plantation to Commercial *2 changes required
Natural Features and Landscapes	NFL- P1 NFL-R2 NFL-R9	Plantation to Commercial
Noise	Rule Exemptions (11)	Plantation to Commercial NES-PF to NES-CF *2 changes required
General Rural Zone	Note 2	NES-PF to NES-CF Plantation to Commercial

Rural Lifestyle Zone	Note 2	NES-PF to NES-CF Plantation to Commercial
Field Days Zone	FDZ-R1	Plantation to Commercial

121. Helen Dempster on behalf of NZ Transport Agency Waka Kotahi noted in her submitter evidence for Hearing Stream 5 in relation to the Transport topic by that there are a number of instances in the PDP where ‘Waka Kotahi New Zealand Transport Agency’ is used and recommends that the legal name for the New Zealand Transport Agency is used instead. This recommendation was accepted in the Statement of Supplementary Planning Evidence dated 13 September, 2024. Corrections were made to the Transport chapter, however one reference remains in the definition of ‘road controlling authority’, and a correction is required as shown below.

INTERPRETATION

...

Definitions

...

R		
	road controlling authority	The road control authorities are: (a) ~~Waka Kotahi~~ New Zealand Transport Agency for all state highways (b) the Gore District Council for all other <i>roads</i> , including unformed legal <i>roads</i> .

8. Consequential amendments and plan integration matters

122. 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 recommended consequential amendments relate to relevant plan integration matters to the PDP based on previous Section 42A report recommendations.

123. The following matters are considered relevant:

1. Plan structure relationships between chapters and cross referencing
2. Plan relationship between rules, standards and notes
3. Cross alignment of standards and notes
4. Development Area Chapter Structure

5. New plan provisions
6. Strategic Direction changes
7. Map changes

8.1 Clarification of plan structure relationships between chapters and cross referencing

124. The structure of the plan and the approach to where multiple district-wide matters apply were discussed at Hearing Stream 7 and Hearing Stream 11, and further information and recommendations were provided through the response to Minute 27.
125. The recommendations of Minute 27 were primarily in relation to the Earthworks chapter and Infrastructure and Energy chapters but also have relevance to other chapters of the plan in terms of compliance with the National Planning Standards, cross referencing and plan structure. Consequential amendments for plan integration from the recommendations to other plan chapters include to provide an explanation of the approach to multiple district-wide matters in the How the Plan Works section of the plan, remove overlay area exclusions for activities, and improve directions for cross referencing between chapters.

How the Plan Works

126. The Minute 27 recommendation is that the plan structure relationship, where each chapter of the plan applies in addition to each other, is the most appropriate. Allowing the chapters to work in concert also means that each chapter can solely focus on the resource management issues it is seeking to address, and there is less risk of potential unintended consequences. However, it should be noted that there are instances where some of the district-wide activity chapters need to take precedence over the zone rules, such as Temporary Actives which permits activities that would otherwise need a resource consent, or for Infrastructure where buildings and structures such as poles may breach built form standards in the zones but would not need consent as they are permitted in the infrastructure chapter.
127. To provide clarity for plan users it is recommended to amend the How the Plan Works section (Part 1) as follows:

General Approach - Plan Structure

This Plan is considered an activities-based plan. Some activities that span the district, are addressed as district wide matters in Part 2 of the plan. Other activities are addressed as area specific matters in Part 3 of the plan where they are typically contained ~~on-a-site~~ within a zone, a development area or a designated site. All land in the district has an underlying zone which reflects the anticipated character and purpose of the area.

In addition to district-wide activities and area specific activities, overlays are applied to areas which have specific values or risks that need to be managed carefully. These are also addressed as district-wide matters, in Part 2 of the plan. An overlay

applies across an area on top of the zoning and can cover multiple zones or other identified areas.

The district-wide overlay rules, district-wide activity rules, zone rules and other area specific rules all apply in conjunction with each other to achieve an integrated management approach to the use, development or protection of land and associated natural and physical resources. However, 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, although other district-wide activity rules and/or overlay provisions may still apply. In general, the plan should be read as a whole, and an activity must take into account the zone-specific provisions, district-wide activity provisions and overlay provisions. Where chapters take precedence over other chapters, this is detailed within that chapter, for example Temporary Activities. There are also some chapters that do not have rules, such as the strategic direction chapters and Mana Whenua Chapter that are implemented through the other chapters of the plan.

The Proposed Gore District Plan has two primary components, the written text which contains all of the resource management objectives, policies, and rules and the planning maps which indicate in graphic form the area to which certain rules in the written text apply. The written text should be read as a whole so that the common themes of the District Plan and the relationship between the various chapters can be understood.

Overlay area exclusions

128. The overlay area exclusions within the earthworks chapter were removed within Minute 27 Appendix A, however similar exclusions have been included within the General Rural Zone GRUZ-R2 Prospecting for and Mining Minerals and GRUZ-R3 Quarrying Activities, and these are recommended to be removed as a consequential amendment for a consistent approach to overlay area exclusions.
129. Specific rules relating to mining and quarrying are included in the Natural Features and Landscapes chapter, however the focus of these are to manage the effects on landscapes and features rather than the more holistic management of the activity as included in the zone chapter. It is intended that an activity located in the GRUZ and within an ONL would trigger the rule in the GRUZ and the NFL Chapter.
130. The historic heritage chapter has rules in relation to land disturbance activities in or around scheduled heritage and archaeological sites, and the effect of extractive activities in relation to historic heritage would be managed under these rules.
131. The Ecosystems and Indigenous Biodiversity chapter has rules in relation to indigenous vegetation clearance and land disturbance, and also includes a reference to activities that destroys, damages, or removes indigenous vegetation in the definition of indigenous vegetation clearance. The effect of extractive activities in relation to ecosystems and indigenous biodiversity would be managed under these rules.

132. It is therefore recommended to delete the GRUZ overlay area exclusions, as follows:

GRUZ-R2 Prospecting for and *Mining* Minerals

All areas ~~excluding Historic Heritage sites, Significant Natural Areas, Outstanding Natural Landscapes and Outstanding Natural Features~~

GRUZ-R3 Quarrying Activities

All areas ~~excluding Historic Heritage sites, Significant Natural Areas, Outstanding Natural Landscapes and Outstanding Natural Features~~

Cross references

133. The Minute 27 recommendation to improve directions for cross referencing between chapters across the plan to fully comply with the National Planning Standards need to be cognisant of the following mandatory directions⁸:

- The chapters under the Energy, infrastructure and transport heading must include cross-references to any energy, infrastructure and transport provisions in a Special purpose zones chapter or sections.
- Zone chapters must include cross-references to relevant provisions under the Energy, infrastructure and transport heading.
- The chapters under the Subdivision heading must include cross-references to any relevant provisions under the Energy, infrastructure and transport heading.
- The Earthworks chapter must include cross-references to any relevant earthworks provisions under the Energy, infrastructure, and transport heading.
- The Earthworks chapter must include cross-references to any provisions for mining, quarries and or gravel extraction in a Special purpose zone or zone chapter or section.
- The Noise chapter must include cross-references to any relevant noise provisions under the Energy, infrastructure, and transport heading.

134. The above direction for cross-referencing primarily relate to provisions around energy, infrastructure and transport, and the following applies in relation to these:

- The Infrastructure Chapter takes precedence over Zone rules and standards, but do not apply to the Airport Zone (special purpose zone) or Transport Chapter, this relationship is explained in chapter Note 1. The Infrastructure chapter reference the applicable zones in the left-hand column within the rules and standards. There are direct rule references to

⁸ Section 7. District-wide Matters Standard, Ministry for the Environment. November 2019. National Planning Standards.

other chapters within INFR-S9 Establishment of new infrastructure within specified areas. The specified areas relate to the overlay chapters.

- The Energy Chapter takes precedence over Zone rules and standards, and reference the applicable zones within the in the left-hand column of the Energy chapter rules and standards. The plan relationship is explained in chapter Note 1.
 - The Transport Chapter is activity specific but does not take precedence over other chapters as there is unlikely to be a conflict. The Transport chapter rules and standards reference the applicable zones in the left-hand column. There are direct rule references to other chapters within TRANS-R1 The establishment, construction, operation, maintenance and upgrading of the transport network and land transport infrastructure. The specified areas relate to the overlay chapters.
 - The Earthworks chapter have relevant provisions that relate to the earthworks required for activities managed within the Energy, infrastructure, and transport chapters. There are no direct cross-references to these chapters within the rules, but the relationship with the earthworks chapter is included in chapter Note 1 and the chapter overview.
 - There are no relevant energy, infrastructure and transport provisions in Special purpose zones. The relationship between the Energy, Infrastructure and Transport chapters and the zone chapters are recommended to be set out in in chapter Note 1.
 - There are transport related provision within the Development Area chapter, however these relate to Outline Development Plans and apply in addition to the Transport Chapter provisions. The plan relationships are generally explained in chapter Note 1.
 - The subdivision chapter include rules in relation to network utilities and the National Grid, and the provisions also provide for the consideration of appropriate infrastructure and services and access. There are direct rule references to other chapters within the subdivision chapter rules, including within district-wide overlay areas and Development Areas. These plan relationships are explained in the chapter overview.
 - The noise chapter include rules in relation to wind turbines, and there are rule exemption for noise associated with transport. There are no direct cross-references to these chapters within the rules. The relationship with the noise chapter is recommend to be included in chapter Note 1.
135. As detailed above, the provisions around energy, infrastructure and transport are cross-referenced through the other chapters in the plan, and the relationship is generally explained in the chapter overview and/or in chapter Note 1 as relevant. The cross references to other chapters within note 1 is however recommended to be made more specific in relation to the provisions around energy, infrastructure and transport to fully comply with the National Planning Standards, as shown in Appendix D.

Earthworks chapter cross-references

136. With the recommended removal of the overlay area exclusions in the Earthworks chapter, as per the Minute 27 recommendation, the cross-references to the earthworks chapter within

the zone and overlay rules can be deleted as a consequential amendment as the earthworks rules and standards will apply to all areas.

137. It is therefore recommended to delete rule references to earthworks standards, as follows:

GRUZ-R2 Prospecting for and *Mining* Minerals

Activity status: Permitted

Where:

...

3. The activity is set back:
 - (a) 500 metres from a *sensitive activity* or a zone *boundary* except with the General Industrial Zone.
 - (b) 100m from any side or rear *boundary*
 - (c) 50m from any *road boundary*;
 - (d) the distances from streams and rivers set out in in GRUZ-S7; and
4. The area is progressively stabilised, filled or recontoured; and
5. Any new or relocated building or structure ~~and activity~~ complies with General Rural Zone standards GRUZ-S2, GRUZ-S3, GRUZ-S4, GRUZ-S5, GRUZ-S6, GRUZ-S7 and GRUZ-S8, ~~and Earthworks standards EW-S3, EW-S5 and EW-S7.~~

GRUZ-R3 Quarrying Activities

Activity status: Permitted

Where:

1. The *quarrying activity* is in relation to a *Farm Quarry* where:
 - (a) the total area of extraction open at any one time does not exceed 1,500 m²; and the activity is set back:
 - (b) ~~the activity is set back~~ 100m from a *sensitive activity*; and
 - (c) the distances from streams and rivers set out in in GRUZ-S7; or
2. The *quarrying activity* has a total area of extraction open at any one time that does not exceed 2,500 m² and ~~is set back:~~
 - (a) excavation for extraction activity, any aggregate processing area, and any blasting activity is setback:
 - i) 500 metres from a *sensitive activity* or a zone *boundary* except with the General Industrial Zone
 - ii) 100m from any side or rear *boundary*
 - iii) 50m from any *road boundary*;
 - iv) the distances from streams and rivers set out in in GRUZ-S7; and
 - (b) All other activity associated with the quarry activities is setback 50m from any boundary and the distances from streams and rivers set out in in GRUZ-S7.
3. The activity is not located on *Highly Productive Land* unless it is an existing lawfully established activity or a farm quarry; and
4. The area is progressively stabilised, filled or recontoured; and

5. Any new or relocated [HS3] *building or structure* ~~and activity~~ complies with General Rural Zone standards GRUZ-S2, GRUZ-S3, GRUZ-S4, GRUZ-S5, GRUZ-S6, GRUZ-S7 and GRUZ-S8, ~~and Earthworks standards EW-S3, EW-S5 and EW-S7.~~

HH-R4 Works or new buildings within a heritage setting

Matters of discretion:

...

5. The extent of any *earthworks or land disturbance* and:
 - ~~(a) Whether the works are undertaken in accordance with Earthworks Standards EW-S1, EW-S2, EW-S3, EW-S4, EW-S5, EW-S6 and EW-S7 and consideration of the matters of discretion for any infringed standard.~~
 - (b) the manner in which the works are undertaken and monitoring of them, and the avoidance of *archaeological sites*.

HH-R5 Archaeological sites

Matters of discretion:

...

1. The extent of any *earthworks or land disturbance* and:
 - ~~(c) Whether the works are undertaken in accordance with Earthworks Standards EW-S1, EW-S2, EW-S3, EW-S4, EW-S5, EW-S6 and EW-S7 and consideration of the matters of discretion for any infringed standard.~~
 - (d) the manner in which the works are undertaken and monitoring of them, and the avoidance of *archaeological sites*.

NFL-R3 Land disturbance and Earthworks within an identified ONF/L

Lower Sensitivity Areas

Activity status: Permitted

Where:

...

~~4. The works are undertaken in accordance with Earthworks Standards EW-S3, EW-S5 and EW-S7.~~

All other areas

Activity status: Permitted

Where:

...

~~5. The works are undertaken in accordance with Earthworks Standards EW-S3, EW-S5 and EW-S7.~~

Matters of discretion:

...

~~4. Whether the works are undertaken in accordance with Earthworks Standards EW-S2, EW-S3, EW-S4, EW-S5, EW-S6 and EW-S7 and consideration of the matters of discretion for any infringed standard.~~

Information only map layers

138. The use of 'information only' map layers to support the district plan has been discussed in a number of hearings including in relation to the Archaeology Alert Layer in Hearing Stream 8, and the ONF street categories in Hearing Stream 5 (which will also be responded to in Minute 34), Hearing Stream 10 in relation to areas of indigenous vegetation, and Hearing Stream 11 in relation to flood mapping. To assist the panel in making their decisions, as a general principle if a map layer is required to determine compliance with a rule, then the layer should be incorporated in the District Plan maps rather than an information only layer. Information only layers have a similar standing to notes in that they provide general advice to plan users and do not have the force and effect of a regulation.

8.2 Clarification of plan relationship between rules, standards and notes

139. In Minute 24 the Panel sought legal submissions on the status of Advice Notes to a rule, including for submission point S112.113 from NZTA. The advice specified that whereas rules and standards have the force and effect of a regulation, advice notes are not intended to bind. They are included for the purpose of giving further guidance about processes associated with the application of a rule, or other information, that is relevant to the operation, interpretation or application of a rule or standard.

140. The supplementary evidence to Hearing Stream 7 (earthworks) included a recommendation to clarify the plan relationship between rules, standards and activity statuses in the 'How the Plan Works' section as a consequential amendment in response to Stoney creek submission S3.037. The supplementary evidence included an explanation of the rationale behind and use of activity statuses within standards as well as rules.

141. The relationship between rules, standards and notes are therefore recommended to be clarified and the following amendment to the 'How the Plan Works' section as follows:

Term	Shortcode	Interpretation
Objectives	O	Goals, or end states to be strived for. They are expressed as broad statements of what is to be achieved.
Policies	P	Broad strategies of how to achieve the objectives. They give direction and represent a general course of action to be taken.
Rules	R	Rules implement the policies – they identify activities you can do as of right (permitted activities) and those activities for which resource consent must be obtained prior to being undertaken
Standards	S	Standards also implement the policies and relate to an effects threshold of an activity that must either be achieved or not exceeded for the activity to be deemed to have a permitted status.

Notes are used within the chapters of the plan for general advice to plan users in relation to the topic. Advice notes are also used within rules and standards for more specific additional direction or guidance. Notes provide further guidance about processes associated with the application of a rule, or other information that is relevant to the operation, interpretation or application of the chapter, rule or standard. The notes do not have the force and effect of a regulation equivalent to a standard or rule.

Activity Status

No person is allowed to undertake any activity in a manner that contravenes a rule in the District Plan or a National Environmental Standard unless the activity is expressly allowed by a resource consent or is an existing use allowed by section 10, 10A or 10B of the Act. A resource consent is a consent granted by a *Consent Authority* which allows a person to carry out a certain activity, for instance land use activities or *subdivision*.

The District Plan classifies activities into six categories, known as activity statuses, which determine whether a resource consent is required or not. If resource consent is required, the activity status may set out the matters that can be considered when processing and determining the resource consent application.

The activity status is set by the rule, and may be subject to conditions, including compliance with standards. The standards only apply when there is a rule requirement for them to apply. The standards also have associated activity statuses for non-compliances. Where a standard has a different activity status than the rule, the more restrictive status applies.

An overview of the activity statuses, consent requirements and Council considerations are listed in the table below. A full list of definitions for activities is located in the Resource Management Act 1991.

8.3 Cross Plan alignment of standards and notes

Notes

142. Chapter notes are used within the PDP chapters for general advice to plan users in relation to the topic, and sometimes advice notes are used within rules and standards for more specific additional direction or guidance.
143. Direction for plan users in relation to potentially relevant rules in other chapters are found in “Note 1 Provisions in Other Chapters”. Some chapters also have direct rule references to rules and standards in other chapters. The note for the earthworks chapter was updated as part of the Minute 27 recommendation, however these chapter notes should be consistently updated across the plan to be more directive as a consequential amendment. It is also recommended that the notes provide greater direction around the plan relationships, reflecting the amendment to the How the Plan Works section. The recommended changes to Note 1 across the plan are shown in **Appendix D**.
144. In the Natural Open Space Zone 42A and the Rural Zones 42A reports it was recommended to include a Note to acknowledge Section 4 of the RMA. As the same assessment is applicable to

all Crown activity the note may be relevant to other chapters of the plan. An overview of all the chapter notes used within the PDP are provided in **Appendix D**, including recommended changes to align their format and use for consistency and plan integration.

Standards

145. Standards with similar content that apply across the plan should follow a similar or the same format for consistency.

Servicing Standard

146. In Hearing Stream 2 and Hearing Stream 4 the inclusion and content of the Servicing standard was discussed. The standard is applicable in areas where reticulated services may not be provided, and on-site servicing may be required. A servicing standard is included in the following chapters:

- Large Lot Residential Zone (LLRZ-S2)
- General Residential Zone (GRZ-S2)
- Settlement Zone (SETZ-S2)
- Māori Purpose Zone (MPZ-S7)
- Mixed Use Zone (MUZ-S11)

147. The standard was recommended to be amended in Hearing Stream 4, and it is therefore recommended that the following Servicing standard format should be used in the above chapters as a consequential amendment for plan integration. However, the panel should note that the defined terms within the standard, such as *minor residential unit* may be zone specific.

XX-SX	Servicing	
All activities	1. Where available any <i>residential unit, minor residential unit</i> and <i>buildings</i> for non-residential activities shall be connected to a Council reticulated water supply. 2. Where available any <i>residential unit</i> and <i>buildings</i> for non-residential activities shall be connected to a Council reticulated <i>wastewater</i> network. 3. Where Council reticulated water supply is unavailable, any <i>residential unit</i> and <i>buildings</i> for non-residential activities must: (a) be connected to a community <i>drinking water</i> supply; or (b) be connected to a private <i>drinking water</i> supply; or (c) ~~store 45,000 litres of~~ <u>provide</u> potable water on-site from another source. 4. Where Council reticulated <i>wastewater</i> is unavailable, any <i>residential unit</i> and <i>buildings</i> for non-residential activities must: (a) be provided with an on-site <i>wastewater</i> treatment and disposal system.	Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: The ability to provide suitable on-site alternative services

Setbacks from rivers or streams

148. In Hearing Stream 3 for the Rural Zones, the content of the stream and river setback standard was discussed. A stream and river setback standard is included in all zone chapters of the plan, and the earthworks chapter. The standard was recommended to be amended in Hearing Stream 3 to allow for post and wire fences within the setbacks, and to allow for lawfully established crossings and bridges within the lower order river or stream setback.

149. The allowances sought for fences within the setback for stock control were specific to the General Rural Zone and may therefore not be applicable to the urban areas, however the panel may want to consider including the exceptions within all the zones for consistency.

150. The allowance for lawfully established crossings and bridges will likely have relevance for all zones. However, the stream and river setback standard was also amended as set out in Minute 20 response, with a site-specific requirement for Alliance in Matura. The Matura River is not a low order stream, and the exception does therefore not have relevance in this location.
151. The changes to the reference to Appendix 3 and the matters of discretion are considered to have relevance to all zones.
152. The natural character chapter was discussed in Hearing Stream 9, and consequential changes to the stream setback standard matters of discretion reference to natural character are required.
153. it is therefore recommended that the following stream and river setback standard format should be used across the plan as a consequential amendment for plan integration, as detailed in **Appendix A**.

XX-SX	Setbacks from rivers or streams	
All activities	1. Any building or structure is set back from the top of the closest bank of any stream or river the minimum distance as follows: a) 20m for high order rivers or streams (order 5 and above); b) 10m for middle order rivers or streams (order 3 and 4); and c) 5m for low order rivers or streams (order 1 and 2). <u>Except that fences of post and wire construction are permitted within the setback where these are:</u> <u>(i) not constructed with wire mesh if located within an area of Actual or Potential Inundation as identified within the Natural Hazards layer of the Planning Maps;</u> <u>(ii) not located within the stream or riverbed;</u> <u>(iii) not constructed across the stream or river channel; or</u> <u>(iv) not constructed across or along a stopbank; and</u> <u>Except that lawfully established crossings and bridges are permitted within the lower order river or stream setback (order 1 and 2).</u> Refer to Appendix 3 for river and stream orders and guidance on riverbed extents and the location of banks for measuring setbacks.	Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: 1. Whether there is a <i>functional need</i> for the <i>building or structure</i> to locate in a riparian margin, and the extent to which alternative practicable options have been considered and their feasibility. 2. The effects on water quality and the stability and health of the stream bed and banks, including erosion and <i>sedimentation control measures</i>. 3. The nature of existing riparian vegetation and the effects of proposed planting or modification on indigenous <i>biodiversity</i> and ~~for~~ <i>habitats</i>. <u>proposed mitigation measures, including:</u> <u>(a) opportunities for enhancement and restoration;</u> <u>(b) methods proposed to monitor or inspect the works undertaken;</u> <u>(c) the timing of works to minimise adverse effects on threatened or at risk indigenous species; and</u>

d) management of potential adverse effects through a Council Authorised Biodiversity Management Plan

4. 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. Refer to Natural Features and Landscapes – Appendix 5 in regard to the Mataura River and Natural Character Values of Rivers and Streams - Appendix 6 in regard to natural character values for all rivers and streams.
5. Impacts on Ngāi Tahu cultural values, including those listed in MW.2.3.
6. The effects on public and customary access to the stream or river.
7. The potential for flooding and to create new or exacerbate existing *natural hazards*, impact natural drainage patterns, redirect overland flow paths or flood flows, including on to other *sites*.

Subdivision Minimum Lot Sizes and Density

154. Through HS3 changes were recommended to the density within the settlement zone. The permitted density remained at 2000m² and densities of 1000m² per residential unit required a restricted discretionary activity, with discretion limited to servicing and natural hazards. As a consequential change, it is recommended the minimum lot size standard within the subdivision chapter is updated to avoid a non-complying activity status for lots less than 2000m² but greater than 1000m². The proposed activity status for subdivision is recommended to be discretionary as the subdivision would create vacant lots and the situation lacks the certainty of a land use consent where housing and servicing designs can be provided.

155. It is proposed to update SUB-S1 as follows:

SUB-S1	Minimum Lot Size	
All areas	1. No lots to be created by <i>subdivision</i> , including balance lots, shall have a ~~net gross site area~~ less than the minimum specified: (a) General Residential – 400m ²	Activity status where compliance is not achieved <u>with</u>: <u>SUB-S1(1) (a) but the minimum lot size exceeds 350m²:</u>

- (b) Medium Density Residential – 300m²
 - (c) Large Lot Residential – 2000m²
 - (d) Large Lot Residential Precinct 12 – 8000m²
 - (e) Settlement – 2000m²
 - (f) Rural Lifestyle (excluding Gore West Development Area) – 1ha
 - (g) Rural Lifestyle Gore West Development Area - 2000m² provided the average lot size over the whole Rural Lifestyle Gore West Development Area is not less than 1 hectare
 - (h) General Rural – 8ha
- Except that:
- (i) This rule does not apply to the Medium Density Zone or General Residential Zone where *allotments* each contain an existing *residential unit*.
 - (ii) There is no minimum density for zones not listed above, however *site* size for all *subdivisions* is ~~a~~ considered under Rules SUB-R5, SUB-R6 and SUB-R7.

Discretionary

Where the minimum lot size is less than 350m²:

Non-Complying

Activity status where compliance is not achieved with:

SUB-S1(1) (e) but the minimum lot size exceeds 1000m²:

Discretionary

Where the minimum lot size is less than 1000m²:

Non-Complying

Activity status where compliance not achieved with:

SUB-S1(b) - SUB-S(1)(d), SUB-S(1)(f) - SUB-S(1)(h):

Non-Complying

8.4 Development Area Chapter Structure

156. The PDP Development Area Chapter contains an Overview and Purpose section which applies to both the Gore South Industrial and Gore West Residential Development Areas. Separate provisions, including description and context text are then provided for each development area.

157. McNab Management Ltd (s103) seek to add a new Development Area to their site.

158. The National Planning Standards require that each development area must have a separate chapter. With the inclusion of an additional Development Area it is recommended that the chapter is amended and separated so that Development Area provisions have the following structure (each bullet point represents a separate chapter):

- Development Area Overview and Purpose including list of Development Areas and Note 1 (pages 1 & 2 of notified chapter).
- Gore South Industrial Development Area – DEV1 (pages 3-9 of notified chapter).
- Gore West Residential Development Area – DEV2 (pages 10-21 of notified chapter).

- McNab Development Area – DEV3

159. This is considered straightforward to achieve utilising an Eplan format.

8.5 New plan provisions

160. A number of new plan provisions and chapters have been recommended to be added to the Proposed District Plan through the hearings process, these include the:

- New Vale Precinct (Hearing Stream 3 - Rural Zones)
- McNab (Hearing Stream 4 - Industrial Zones)
- Natural Character chapter (Hearing Stream 9 - Natural Features and Landscapes, Natural Character),
- Ngāi Tahu Cultural Values Chapter (Hearing Stream 3 – Mana Whenua, Hearing Stream 8 - Sites and Areas of Significance to Māori , and 9A - Sites of Significance to Māori (SASM), Ngāi Tahu Cultural Values (NTCV))
- Provisions relating to Significant Indigenous Vegetation Area (SIVA) and Indigenous Vegetation Area (IVA) (Hearing Stream 10 - Ecosystems and Indigenous Biodiversity).

161. Consequential amendment and plan integration matters relating to the above provision are addressed below, except that matters relating to Ecosystems and Indigenous Biodiversity will be addressed in Minute 41.

New Vale Precinct

162. A new precinct was recommended to be included in the GRUZ in response to submissions from Greenbriar Ltd (Greenbriar) (s128.060) (s128.061) (s128.062) (s128.063) (s128.064) (s128.065) (s128.066) (s128.067) (s128.068) (s128.069) (s128.070).

163. The inclusion of a 'New Vale Precinct' resulted in recommended changes to the GRUZ Overview and Purpose, a new GRUZ objective, policy and rules. The most up to date provisions are contained within the HS3 Rural Right of Reply documents.

164. As part of the Right of Reply Evidence the precinct map was amended as shown in Appendix C.

165. Consequential amendments were recommended to NOISE-S1 to include a noise standard for the New Vale Precinct.

166. Part 1 - How the plan works will further require a consequential amendment to include the New Vale Precinct (PREC14) (on page 19).

167. The submitter initially sought to retain part of the GRUZ as notified and apply a rural industry precinct and amend other zoning to Light Industrial zone (LIZ), relocated Māori Purpose Zone (MPZ) and increased Rural Lifestyle Zone (MPZ). In the McNab s42A report it was recommended that a rural industry precinct was accepted in part and the LIZ, MPZ and RLZ were accepted.
168. If the Panel decides to accept the submission and recommendation for a rural industry precinct, amendments to the GRUZ in accordance with Appendix A of the McNab s42A are recommended along with consequential amendments to the PDP as follows:
- Part 1 – How the Plan works to include reference to the Precinct and rename the existing rural industry precinct (PREC13) as identified at paragraphs 255-256 of the HS8 McNab s42A report and Appendix A of that report.
 - NOISE-S1(2) & (7) and NOISE-S2(1) is also recommended to include reference to the new precinct.
169. In response to Minute 29 the submitter progressed a Development Area Chapter to apply to the site. The Development Area Chapter approach is accepted in accordance with Ms Woodbridge's right of reply dated 7 March 2025.
170. If the Panel accepts the recommendation to apply a Development Area to the site then the following consequential amendments to the PDP are recommended:
- Part 1 – How the Plan works to include reference to the McNab Development Area (on page 19).
 - If the Panel accepts the recommendation to retain GRUZ on the site then commentary on the McNab Development Area would need to be added to the GRUZ in a manner consistent with the proposed text for the LIZ, RLZ & MPZ.
 - The Development Area Overview and Purpose is updated to list the McNab Development Area (DEV3)

Natural character chapter

171. Submitter SDC (S146.052) (S146.057) requested provisions related to the Mataura River area within the Gore District to be addressed in a Natural Character Chapter.
172. Based on this submission and Minute 18 from the hearings panel, a Natural Character Chapter (NATC) situated in Part 2 of the plan has been developed alongside a new Appendix 6, outlining the Natural Character values of Rivers and Streams. It is recommended that the NATC Chapter and Appendix 6 are added to the Proposed District Plan.
173. As a result of this recommendation, consequential amendments were recommended in Natural Features and Landscapes 42A report to remove the reference to the High Natural Character Feature (HNCf) throughout the plan, and change the matters of discretion reference

to natural character in the stream setback standards from Appendix 5 to Appendix 6 across the PDP as necessary.

174. The recommended change to Appendix 5 was included in the Appendix A amendments for Hearing Stream 9. However, the following consequential changes to the stream setback standard matters of discretion reference to natural character is required within all Zone chapters, and the Earthworks chapter:

- Change the in the stream setback standards within the Zone Chapters (LLRZ-S7, GRZ-S7, MRZ-S7, GRUZ-S7, RLZ-S7, SETZ-S7, NCZ-S5, LCZ-S6, MUZ-S5, TCZ-S6, LIZ-S5, GIZ-S5, NOSZ-S4, SARZ-S5, AIRPZ-S4, MPZ-S4, CCZ-S2 and FDZ-S5) and Earthworks chapters (EW-S3), as shown below and detailed in **Appendix A**, to include reference to Appendix 6.

XX-SX Minimum Setbacks from *Rivers and Stream*

...

Matters of discretion:

4. 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. Refer to Natural Features and Landscapes – Appendix 5 in regard to the Maitara River and Natural Character Values of Rivers and Streams - Appendix 6 in regard to natural character values for all rivers and streams.

175. Additionally, consequential amendments are required to Part 1 – Introduction to include reference to the NATC Chapter and Appendix 6 as follows:

NATURAL ENVIRONMENTAL VALUES

ECO – Ecosystems and Indigenous Biodiversity

NFL – Natural Features and Landscapes

NATC – Natural Character

PA – Public Access

...

Appendices

Appendix 1 – TRANS-APP - Transport Standard Construction Drawings

Appendix 2 – Height in relation to boundary

Appendix 3 – River and stream order

Appendix 4 – ECO-APP - Significant Natural Area Criteria

Appendix 5 – NFL-APP - Landscape Values

Appendix 6 – NATC-APP - Natural Character Values of Rivers and Streams

Ngāi Tahu Cultural Values Chapter

176. The approach to management of cultural values in the PDP through the Mana Whenua chapter and Sites and Areas of Significance to Māori chapter have changed through the hearings process. Consistent with Hokonui Rūnanga kaitiakitanga advice a Ngāi Tahu Cultural Values Chapter is proposed to replace the Sites and Areas of Significance to Māori chapter, located either as a strategic direction chapter or in the Historic and Cultural Values section of the plan. Process related objectives and policies are also recommended to be included in the Mana Whenua chapter.

177. The PDP included general references to “Ngāi Tahu cultural values” or “the underlying relationship Ngāi Tahu hold with the natural environment” woven through the objectives and policies of the chapters across the plan, and with matters of discretion directing consideration of “Impacts on Ngāi Tahu cultural values, including those listed in MW-2.3” or words of similar effect. Hokonui Rūnanga submitted that their preference was to provide more specific details around the relevant values within the plan provisions.
178. A number of these changes have been recommended to different chapters of the plan through the hearings process, however some references remain across the plan and should be updated for consistency.

8.5 Strategic Direction changes

179. The strategic direction chapter, Urban Form and Development, may need some consequential changes depending on decisions made in relation to zoning and natural hazards.
180. If the Hearings Panel is minded to make changes to zoning beyond those recommended by the Council’s reporting officers in hearing reports and evidence, then consequential changes may be needed to the UFD Overview which outlines where growth should broadly be located. Changes may also be required to UFD objectives if this is also the case.
181. In his right of reply evidence (27 June 2024), Mr Heale recommended changes to UFD-O1 to reference new *hazard sensitive activities* as well as introducing a new definition⁹ as outlined below.

UFD-O1

The District develops in a cohesive, compact and structured way that:

1. maintains a compact urban form;
2. minimises adverse impacts on natural, historic heritage, and cultural values (refer MW-2.3); and
3. recognises and provides for the relationship of Māori with their culture, traditions, lands, waterbodies, sites, areas and landscapes and other taonga of significance mana whenua with whenua (land), wai (water), and mahinga kai;
4. provides for social and cultural vitality, productivity and economic growth;
5.
 - a. takes into account the short, medium, and long-term impacts of climate change ~~and natural hazards~~, and the associated uncertainty and risk;
 - b. provide for the transition away from fossil fuels, through increased use and development of renewable resources; and
 - c. ensures that new hazard sensitive activities are located outside high-risk natural hazard areas unless there is a functional need or operational need for them to locate there.....

⁹ Refer Page 3-5

Hazard sensitive activities means:

- (a) Residential activity, including retirement villages and supported residential accommodation
- (b) Visitor accommodation
- (c) Marae or Papatipu Rūnanga complex
- (d) Educational facilities
- (e) Emergency services facilities
- (f) Hospitals and other health care facilities
- (g) Community facilities (note – This includes places of worship in the definition)
- (h) Graveyard or urupā

182. Mr Heale noted that some development/activities are more sensitive to natural hazard risk than others and the focus should be on new development. He also noted that it is not possible for all activities to locate outside natural hazard areas all the time due to operational and functional locational needs citing the example of boat storage or flood monitoring equipment associated with emergency service facilities. Mr Heale also made reference to “high risk” natural hazards given the flood mapping work undertaken by Tonkin and Taylor that indicated some mitigation matters (such as raised ground or floor levels) may accommodate development in low or medium risk flood areas. These recommendations were made subject to consequential changes resulting from Hearing Stream 11 and once promised mapping has been provided from Environment Southland.

183. Evidence for Hearing Stream 11 in relation to Natural Hazards was heard, and Environment Southland mapping was provided at the hearing in the week of 10 March 2025. Consequential changes may be needed to the definition of Hazard sensitive activities and UFD-O1 depending on the Hearing Panel decisions on HS11, particularly in relation to whether risk should be phrased as “high” as per UFD-O1 or “significant” as per NH-O3 and whether “sensitive activities” as per NH-P3 and NH-O3 should be utilised rather than “hazard sensitive activities” in UFD-O1. This matter can be further considered in response to Minute 43.

8.7 Map changes

184. The following mapping amendments are required or recommended as a result of the hearings process and consequential changes. A complete list of mapping changes with maps is detailed in Appendix C.

185. The 42A for Historic Heritage in Hearing Stream 8 recommends the removal of the following Archaeological sites from HH-SCHED3 and the planning maps: HH-A9, HH-A11, HH-A12, HH-A17. This amendment requires a consequential amendment to the listed archaeological sites numbering and mapping numbering.

186. HH-40 and HH-60 are also recommended to be removed from the chapter due to consent processing parallel to the hearings process. The removal of these listed heritage items from the schedule will require consequential amendments to the listed heritage items numbering within the schedule and on the planning maps.

187. The 42A for Notable Trees recommends the removal of the following trees from the TREE-SCHED – TREE-45, TREE- 68, TREE -69, TREE-85, TREE-86, TREE-87. The removal of these listed trees from the schedule will require consequential amendments to the listed TREE numbering within the schedule and on the planning maps.
188. The 42A for Designations in Hearing Stream 5 recommends that the KiwiRail designation KRH-1 be updated to include Section 8 Block IV TN OF Pukerau SO 1681. KiwiRail was to send through an updated shapefile and these amendments will need to be made to the planning maps.
189. The Camp Columbia Zone, Field Days Zone and Airport Zone are shown as aqua, green, and purple respectively whereas per the planning standards they should be grey in colour.
190. The 42A for Noise in Hearing Stream 6 recommended that a Rail Corridor Vibration Alert Layer be included in the information only layer within the planning maps. No hard copy or GIS spatial layer has been provided. However, as noted in the s42A report for Hearing Stream 6 the Vibration Alert layer extends for a distance of 60 metre either side of the rail corridor boundary (which is the same as the designation boundary).
191. The 42A for Noise in Hearing Stream 6 also recommended that the State Highway Noise Control overlay be amended to the modelled overlay provided by NZTA. This modelled overlay is not provided as a hard copy with this report due to the scale of the overlay (which extends through the whole district). However, the GIS spatial layer is available and can be incorporated into the final Eplan format.
192. The 42A for Rural Zones in Hearing Stream 3 amended the River and Stream Order Maps in Appendix 3. It is recommended that these maps be included as an information only layer.
193. The 42A for Natural Features and Landscapes in Hearing Stream 9 recommends mapped sensitivity layers (ridgeline vs lower sensitivity areas) in the Hokonui Hills ONF.
194. The 42A for Ecosystems and Indigenous Biodiversity in Hearing Stream 10 (HS10) recommends including Hokonui Hills Vegetation Mapping as Appendix 7 to the PDP. Indicative mapping, to sit outside the PDP as an information layer, of Significant Indigenous Vegetation Areas (SIVA) and Indigenous Vegetation Areas (IVA) were also recommended in HS11. These maps may be amended in response to Minute 41 which will be considered in the reconvened ECO hearing on 8 April 2025.
195. If the Panel decides to accept the submission and recommendation for a McNab Development Area, the author of the 42A for McNab recommends rezoning mapping changes as shown in Appendix C as well as the inclusion of a Development Area in accordance with the submitters evidence dated 24 February 2025.
196. Flood hazard mapping is recommended to remain as notified with the possibility of incorporating the new ES Flood modelling as ‘best available information’ to assist plan users. This will be addressed further within the response to Minute 43.
197. The 42A for Rural Zones in Hearing Stream 3 recommends mapping changes as detailed in Appendix C.

198. The 42A for Industrial Zones and Residential Zones in Hearing Stream 4 recommends mapping changes as detailed in Appendix C.
199. The 42A for Energy & Infrastructure Zones in Hearing Stream 7 recommends mapping changes as detailed in **Appendix C**.

8.6 Subdivision and Land Development Design Standards

200. The approach to the Gore District Council Subdivision and Land Development Bylaw 2019 and the transition to the inclusion of construction standards within the district plan in relation to Earthworks and Transport was addressed in Hearing Stream 1, Hearing Stream 5 and Hearing Stream 7.
201. The issues and options relating to having construction and design standards within the district plan or within the bylaw has previously been workshopped with the Council District Plan Review Committee. The Committee direction was to convert to managing these matters within the District Plan and with a supporting Engineering Code of Practice or Development Manual. Not having development standards managed through the district plan is an uncommon approach nationally, and it is anticipated to have improved effectiveness, monitoring and enforcement outcomes through incorporating them into the RMA District Plan provisions.
202. There are no direct reference to the bylaw within the proposed plan to avoid process duplication, except for a note reference (see appendix D). This means that a plan change would not be required to transition the bylaw to a Code of Practice document. However, it is acknowledged that process duplication with the district plan and the bylaw will exist for a period of time once the PDP becomes operative. This process duplication will remain until the bylaw is revoked, which requires a Council decision.
203. The panel may therefore wish to consider providing a recommendation to Council in relation to the conversion of the Bylaw to a Code of Practice, and the timing around this so that the process duplication will not remain in the long-term once the proposed plan becomes operative.

9. Response to Minute 42 (Minute 16 and afforestation)

204. The Hearings Panel seeks further advice from the Council's planners following on from Minute 16 regarding afforestation and the responses to that Minute. The Hearings Panel is interested in the relevance of the Great South report *Implications of Land Use Change from Pastoral to Carbon Forestry in Southland* to the forestry matters under consideration, as well as further data and analysis regarding the proportion of the Gore District categorised as highly productive land under the NPS-HPL and its relationship with potential afforestation.
205. For context, the amendments proposed by the reporting planner through the Minute 16 response are summarised as follows:
- Afforestation activities are defined in the plan as either 'plantation forestry' or 'exotic continuous-cover forest'. These definitions align with the NPS-CF.

- Plantation forestry is permitted in the GRUZ, as long as the activity complies with the NES-CF. Plantation forestry in an ONL is a non-complying activity. This is on the basis that plantation forestry follows a harvesting cycle and is therefore productive.
- A new rule was proposed to manage exotic continuous-cover forestry with a discretionary activity status unless the activity is proposed on highly productive land, an ONL, ONF or SNA, in which case a non-complying activity status will apply.
- Updates were recommended to GRUZ-P3 to support plantation forestry and small-scale woodlots recognising the benefits of economic activity and to the natural environment.
- A new policy was proposed to manage larger woodlots and exotic continuous-cover forestry, managing adverse effects in relation to fire risk, rural character, enabling a diverse farming operation and contributing to improved indigenous biodiversity values and freshwater management outcomes.

206. The report by Great South has been reviewed. The report raises valid points on the impact of carbon forestry on the productive land resource.

207. The report recommends amongst other things that a National Policy Statement be established that contemplates the impacts of carbon forest from a holistic 'well-being' perspective whereby social, economic, environmental and cultural aspects are considered in equal measure. The establishment of National Policy Statement would enable Local Government to act immediately to address challenges associated with the increasing proliferation of carbon forest investments on productive farmland. Then progressively the principles could be woven into the District and Regional Spatial plans.

208. A National Policy Statement has not been released, and until such a time, the District Plan must give effect to the existing higher order planning documents. Namely, the NPS-HPL and NES-CF.

209. As noted in the Minute 16 response, plantation forestry involves a harvesting cycle and in that respect the land is productive. The NPS-HPL requires Councils to recognise and provide for the value and long-term benefits of using highly productive land for primary production. The NES-CF manages wilding tree risk and control, setbacks from neighbouring boundaries, setback from dwellings, shading on dwellings, setback from urban zone boundaries, setbacks from a significant natural area and shading on roads. To manage plantation forestry via the district plan in the GRUZ generally (noting it is restricted through the district plan within ONLs and SNAs) would be a duplication of the NES-CF and would not align with the NPS-HPL.

210. Attention is further drawn to the Addendum of the Great South 'Implications of Land Use Change from Pastoral to Carbon Forestry in Southland report', provided at pages 24-26, prepared to reflect feedback received on the report. The addendum reiterates that Great South acknowledges the importance of the forest industry to Southland and the Southland economy, and the report should not be seen as criticizing the forest industry nor the processing of forest products. The addendum goes on to highlight the benefits of plantation forestry both economic and environmental.

211. For example, radiata pine forests (the most common tree found in plantation forestry) can support native wildlife like brown kiwi and the New Zealand falcon. Evidence suggest radiata

pine is less flammable than native beech trees and although they are often blamed for wilding pines, many of the wilding pines are not actually radiata but include a range of species such as Douglas Fir. Forests also offer benefits to local rivers and streams with one estimate suggesting Southland needs 30,000 ha of trees to improve water quality of the local rivers and streams. Further, in addition to sequestering and storing carbon, production forests also provide post-harvest benefits such as timber for the building industry and feedstock for a bioeconomy. Harvested timber will provide a critical link in the transformation to a bioeconomy as feedstock for transforming boilers away from fossil fuels. Finally, the forestry industry offers economic benefits. Evidence suggests that rather than hollowing out rural communities, forestry could be providing housing to a younger generation and therefore a net benefit to these rural communities. As an example, one area experienced a net increase in population of 48% after a forestry company purchased properties with resultant subdivisions and on sales of houses and lifestyle blocks.¹⁰

212. Local authorities are obligated to align their plans with the NES-CF. In order to include plan rules that are more stringent than the NES-CF, for example restricting plantation forestry, an evaluation under section 32(4) of the RMA would be required to specifically consider whether a more stringent rule is justified in the context of the region/district.
213. Case law¹¹ directs a careful reasoning process is required and there should be evidence directly relevant to the situation in Gore (or Southland), explaining why the nation-wide approach set out in the NES-PF is not sufficient to address the harm sought to be prevented. There should be evidence comparing the NES-PF provision with the proposed rules. Then, if a departure from the NES-PF was justified, reasons as to why a different approach should be taken.
214. Whilst the report from Great South provides some evidence of the existing situation in Southland and projections (wholly dependent on carbon prices), I do not consider this is sufficient evidence in order to undertake a section 32(4) evaluation. The data should be interrogated and, as the addendum to the report has shown, there are other outcomes from forestry activities which may be positive. The extent of this must be determined in order to analyse whether a more stringent rule is justified.
215. Overall, until such as time as revised or a new National Policy Statement is released, no further changes are recommended beyond those detailed in the Minute 16 response.

10. Conclusions and Closing Recommendation

10.1 Conclusions

216. This report has provided a wrap up assessment of all outstanding and consequential amendments recommended from the Gore Proposed District Plan Hearings process. The

¹⁰ 'Social & Economic Implications of Land Use Change From Pastoral to Carbon Forestry in Murihiku Southland' Great South, Revised March 2024, Pages 24-26

¹¹ Rayonier New Zealand Ltd v Canterbury Regional Council [2024] NZHC 1478, at paragraphs [166] & [168] and [173].

report intends to assist the Hearings Panel in making final decisions on the submissions and further submissions on the proposed Gore District Plan.

217. The report broadly covers:

- Omitted or unresolved submission points
- Minor amendments, corrections and updates
- Consequential amendments and Plan Integration
- A response to Minute 42

218. **Appendix A** outlines the recommendation changes to chapters throughout the PDP.

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

10.2 Closing Recommendation

220. 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
Tina Carlson- McColl Consultant Planner		14 March 2025