

Gore Proposed District Plan

Hearing Stream 4

Part 3: General Industrial and Light Industrial Zones and South Gore Development Area (DEV1)

Section 42A of the Resource Management Act 1991

Section 42A Report – Industrial Zones and Gore South Industrial Development Area

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Interpretation

Abbreviations

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

Submitters and Further Submitters Names Abbreviations

Chorus New Zealand Limited	Chorus
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
KiwiRail Holdings Limited	KiwiRail
Mercury New Zealand Limited	Mercury
Ministry of Education	MOE
New Zealand Heavy Haulage Association	NZ Heavy Haulage
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

List of Submitters and Further Submitters

Submitter Number	Submitter Name
S148	Alistair & Bernadette Hunt
S121 & FS27	Alliance Group Limited
S35	Chorus New Zealand Ltd
S99 & FS22	Clark Fortune McDonald & Associates
S37	Connexa Ltd
S141	Debra & Gary Gibson
S114	Donna Vincent
S85	Environment Southland
S124	Fire and Emergency NZ
S33	FortySouth
S65	Gore District Council
S123 & FS11	Heritage New Zealand Pouhere Taonga
FS5	Hamish Weir
S139	Hokonui Rūnanga Inc
S108 & FS7	HWR Property Limited
S68	John Baynes
S89	Karen Menlove
S115	Kevin Robertson
S132	KiwiRail Holdings Ltd
S103	McNabb Management Ltd
S125	Ministry of Education
S152	Nigel Cowburn
S77	New Zealand Heavy Haulage Association
S32	One New Zealand Group Ltd
S12	P & J Talbot
S28	Ravensdown Limited
S107	Ronald Ashby
S60	Ronald Crispin
S110	Royal Forest and Bird Society of NZ Inc
S143	Rural Ratepayers Group
S40 & FS29	Silver Fern Farms
S146	Southland District Council
S126 & FS17	Southland Federated Farmers of New Zealand
S154	Spark New Zealand Trading Ltd
S31	Stephen Hook
S101	Transpower New Zealand Limited
S112 & FS14	Waka Kotahi NZ Transport Agency
S54	Webbline Agriculture Limited

1. Executive Summary

1. The Proposed District Plan (“PDP”) for Gore District was publicly notified on 31 August 2023. The PDP includes a General Industrial Zone (GIZ), Light Industrial Zone (LIZ) and Development Area for South Gore (DEV1).
2. The industrial zones generally provide for a range of industrial activities and other activities which are either compatible or ancillary, such as small scale retail or offices to serve the industrial activities.
3. The LIZ will provide for activities which have lower levels of potentially noxious or offensive discharges (such as noise or odour) and typically be of a smaller scale. Examples of light industrial activities include small scale manufacturing or engineering operations, vehicle or machinery repair or warehouse storage. There are two precincts in the LIZ:
 - a. Creamoata precinct – to provide for the existing industrial activity located in the Creamoata building.
 - b. Large format retail precinct – to provide for large format retail close to the Town Centre Zone. Market analysis identified demand for land to accommodate large format retail activities. It is appropriate these activities are situated close to the Town Centre to complement rather than detract from the town centre
4. There is a LIZ in central Gore and a new LIZ at the Gore Racecourse within the Gore South Development Area, this new zoning provides for growth opportunities.
5. The GIZ provides for a wider range of industrial activities including those which may generate greater amounts of noxious discharges such as noise, odour or air discharges. Existing Industrial Zones under the ODP have largely been retained with a new GIZ proposed in South Gore, within the Development Area. There is one precinct within the GIZ in Matuara to provide for the Mataura Mill.
6. The Development Area provisions provide for a bespoke integrated development approach to the new industrial zones in south Gore and require development to be in accordance with an Outline Development Plan (DP) which is included in the PDP.
7. A total of 290 submissions and 84 further submissions were received across the topic and these were generally in support with some opposition and amendments sought:
 - a. Additional provisions to ensure water (potable and firefighting water) and wastewater servicing is provided for residential and non-residential activities.
 - b. A setback to the railway corridor boundary is provided for.
 - c. Additional provisions to ensure new buildings and activities are only established and constructed to minimise the effects of natural hazards including flood inundation.
 - d. Additional provisions to provide for relocated / second hand buildings.
 - e. That considerations of cultural values are more specifically articulated through the matters of discretion.

- f. Rejection of the industrial zoning in south Gore and amendments to provisions to require neighbours' approval and increased performance standards to manage activities.
 - g. Additional provisions to have regard to the effects on indigenous biodiversity and ecological corridors.
 - h. Remove the opportunity for residential activities or allow for seasonal workers accommodation.
 - i. Some amendments to performance standards around landscaping, screening, exemptions for emergency service towers and poles and reduce boundary setbacks in the GIZ.
8. The report has been prepared in accordance with Section 42A of the RMA and outlines recommendations in response to the issues that have been identified through submissions. The report is intended to assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP, and to provide submitters with an opportunity to understand how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.
9. As a result of submissions, a range of recommended changes have been made which are broadly summarised as follows:
 - A reference to 'relocated' has been included in activity rules in the GIZ and LIZ Chapters.
 - Amendments to the landscape and screening standards have been made to ensure emergency response facilities are not screened and fencing for the purpose of screening is solid in the GIZ.
 - GIZ-P3 has been refined to provide clarity around activities which should be avoided.
 - The Development Area Objective and policies have been refined to ensure sufficient consideration is given to potential adverse effects on the road network, including the state highway.
 - A building setback to the Rail Corridor is added as a standard to the LIZ and GIZ.
 - Amendments to DEV1-O1 and DEV1-P2 to improve clarity around the potential for adverse effects on the road network including the state highway.
 - Amendments to policies to redefine how cultural values are expressed.

2. Introduction

2.1 Author and qualifications

10. My name is Victoria Emily Jane Woodbridge, I am co-author of this report. I am employed by The Property Group as a Principal Planner. I hold a Bachelor of Arts (Honors) English and Media Studies from the University of Glamorgan, UK and a Masters in Urban and Regional Planning from the University of Westminster, UK. I am an Associate member of the New Zealand Planning Institute (NZPI) and I have over 15 years' experience in planning and resource management, including policy development and associated report and evidence preparation.

11. I have been engaged as a contractor by Gore District Council to assist in the District Plan review and prepare the draft and proposed District Plans. I have been the lead planner on the preparation of the Industrial Zones as well as the Mixed Use Zone and Camp Columba Zone chapters and a number of District Wide Matter Chapters, including the drafting of the Section 32 Evaluation reports.
12. My other relevant experience includes Council initiated Plan Changes and variations for Tasman District Council and Far North District Council and private Plan Changes for several private clients.
13. A flooding assessment prepared by Tonkin & Taylor is provided at **Appendix D**, where I have relied on their expert advice, I have referenced this report.

2.2 Code of Conduct

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

3. Scope of report and topic overview

16. This report considers the submissions and further submissions that were received by the Council in relation to Light Industrial Zone (LIZ) and General Industrial Zone (GIZ) chapters as well as the South Gore Development Area provisions of the PDP. In addition, the provisions in the following chapters relating to the management of [topic] and mapping are also addressed:
 - a. Part 1: Interpretation – Definitions
 - b. Part 2: District Wide Matters – Subdivision Chapter
 - c. Planning maps
17. The assessment of submissions will generally follow this format:
 - a. Submission information
 - b. Analysis of submissions
 - c. Recommendation and any amendments
 - d. Where an amendment is recommended a section 32AA assessment is provided.
18. Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions are shown by way of strikeout and underlining. **Appendix A** of this

report contains a copy of the General Industrial, Light Industrial and Development Area chapters along with a portion of the Subdivision Chapter (containing only rules relevant to this report) with all recommended amendments are shown by way of strikeout and underlining.

19. Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors.
20. Clause 10(2)b of the RMA allows decisions on the PDP to include matters relating to consequential alterations to the PDP which are necessary, relevant or arising from submissions. The following are recommended consequential amendments to the PDP based on previous Section 42A report recommendations.

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:
 - a. Section 74 – Matters to be considered by territorial authorities; and
 - b. Section 75 – Content of District Plans.
22. As set out in the Section 32 Evaluation Report for Industrial Zones there are a number of higher order planning documents and other relevant plans which have provided direction and guidance for the preparation of the PDP. These documents and a comprehensive assessment of all relevant consultation and statutory considerations prior to public notification of the PDP are outlined in that Section 32 Report. The Section 42A Introduction, General Provisions and Strategic Direction Report also provides an overview of the relevant Statutory considerations, higher order planning documents and other relevant plans and policies.
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 Report. However, where a higher order document is considered particularly relevant to the assessment of submissions or where there have been amendments to higher documents relevant to this topic these are discussed below.

4.2 National Planning Instruments and other Relevant Plans and Policies

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

24. The NPS-UD aims to support well-functioning urban environments to provide for current and future community well-being. It requires RMA plans to provide opportunities for land development to meet housing and business needs, supported by adequate development capacity. The NPS-UD seeks to enable more living, business and community services within or near centre zones and enable an urban form with greater heights and densities near public

transport hubs and areas of high demand. Gore and Mataura are deemed to be a Tier 3 urban environment under the classifications in the NPS-UD.

25. The NPS-UD includes objectives and policies which are relevant to the Industrial Zones:

- Objective 1 of the NPSUD seeks that well-functioning urban environments are provide for the needs of people and communities both now and into the future.
- Objective 4 seeks that urban environments are provided that, over time, develop and change in response to the changing needs of people and communities and future generations.
- Objective 8 seeks that urban environments support a reduction in greenhouse gas emission and are resilient to the current and future effects of climate change.
- Policy 1 gives further direction on providing well-functioning urban environments which provide a variety of residential housing options and cater for different business sectors whilst ensuring accessibility for housing, jobs, community services, natural and open spaces and public or active transport systems.
- Policy 2 requires that sufficient development capacity is provided over the short, medium and long term to meet expected demand for housing and business land.
- Policy 6 directs decision makers to recognise the benefits of well-functioning urban environments and that development may involve significant changes to an area which detract from the amenity value some people appreciate but improve amenity values appreciated by others, communities and future generations through the provision of increased and varied housing densities and types.
- The policies also provide direction to take account of the Treaty of Waitangi in relation to urban environments by involving iwi and hapū in the preparation of planning documents and taking account of their aspirations and values.

26. The Industrial Zone will give effect to the NPS-UD by contributing to compact urban form and a well-functioning urban environment. The range of activities enabled within the zones will assist the Council in meeting anticipated business demand.

27. The Gore South Development Area will give effect to the NPS-UD by providing additional land for business development capacity in the short, medium and long term (policy 2).

Southland Regional Policy Statement (RPS)

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

29. In relation to urban development the RPS requirements which must be given effect to in the PDP include:

- Encouraging intensification and infill development to regenerate and support the vibrancy and vitality of existing urban centres,

- Ensuring urban centres are well planned and designed,
 - Providing for a range of activities to support residential, employment and recreational opportunities,
 - Providing for active and public modes of transport,
 - Being supportive of housing choice whilst managing the potential for reverse sensitivity effects from existing development, and
 - Managing urban growth in relation to significant infrastructure, historic heritage, and natural hazards.
30. The non-mandatory directions of the RPS encourage local authorities to use spatial management tools to identify areas for potential rezoning, to work collaboratively with Southland Regional Council (Environment Southland), tangata whenua and key stakeholders and promote CPTED principles in urban development.

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

31. The National Policy Statement on Highly Productive Land (NPS-HPL) became operative on 17 October 2022. The NPS-HPL seeks to ensure that the most favourable soils for food and fibre production are protected now and for future generations. ES is required to map highly productive land within the Gore district that meets the following criteria:

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

32. The NPS-HPL is applicable to the growth area identified for industrial zoning in south Gore because under the ODP the land is zoned Rural and contains highly productive soils. In Gore South the proposed new industrial zone area contains LUC Class 3 soils with a small area of LUC Class 1 soils. Under clause 3.6(4) Territorial Authorities which are not Tier 1 or 2 (Gore is a Tier 3 Council) may allow rezoning of highly productive land only if:

- (a) the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and*
- (b) there are no other reasonably practicable and feasible options for providing the required development capacity; and*
- (c) the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.*

33. The 'Ready for Tomorrow' Spatial Plan identified that 777 hectares (ha) of land was required to provide for business growth. The Spatial Plan identified areas recommended for rezoning to

industrial, subject to further considerations. Subsequent reviews¹ of the Spatial Plan recommended a reduced area of land to accommodate growth and considered alternative locations. These reports explain the process undertaken to assess the constraints, advantages and disadvantages of each option for rezoning and present a more detailed analysis of growth demand. Without providing additional land to accommodate growth, there will be adverse effects on the economic, social and cultural well-being of the community. If business looks to establish outside of the District, this is at the detriment of the existing community and economy, which would benefit from business growth.

34. The proposed industrial zones in south Gore are situated on predominantly Class 3 soils (with a small area of Class 1 soils). This area was not identified within the Spatial Plan, however, the Section 32 Evaluation Report for Industrial Zones considered all reasonable options as alternatives and concluded that south Gore was the most practical option for providing industrial land for growth. The Overview and Urban Form and Development Section 32 Evaluation report which provides a high level overview of constraints and opportunities for land considered for industrial zoning.
35. Overall, it was concluded that due to a wide range of constraint factors, the benefits from the proposed area identified for industrial growth zoning in south Gore outweigh the potential loss of highly productive land for land-based primary production purposes.

National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023

36. The National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023 (NPS-GG) applies to emissions of greenhouse gases from fossil fuel fired heat devices and seeks to reduce emissions by managing discharges to air from the production of industrial process heat. The discharge to air from heat devices is largely controlled by the regional Council. The PDP does control significant hazardous facilities which could potentially include large scale industrial processing activities.

Aotearoa New Zealand's Emissions Reduction Plan

37. Consultation is currently underway on the second iteration of the Emissions Reduction Plan (ERP). The current ERP requires climate action from all sectors of the economy which would include industrial activities. The proposed industrial zoning in the PDP provides for a range of industrial activities to locate in a manner which is generally close to key transport routes such as State Highways and Rail networks. This will assist in reducing emissions associated with the transportation of goods and services.

¹ Gore District Plan Review: Economic and Population Growth Analysis, October 2021 and Gore District Plan Review: Planning for Growth, June 2022

4.3 Section 32AA evaluation

38. 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.

39. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to the topics of this report is contained within the assessment of the relief sought in submissions in section 3, as required by s32AA(1)(d)(ii).

40. The Section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.

5. Background

41. The Section 42A Introduction, General Provisions and Strategic Direction Report includes details of the PDP notification, submission statistics etc. The Section 32 Evaluation Report for the Industrial Zones provides a comprehensive evaluation of the zoning, objectives and policies and concludes the notified PDP is the most appropriate means of meeting the purpose of the RMA.

42. As noted elsewhere, a comprehensive assessment of alternatives for the south Gore industrial zoning and a range of engagement and consultation was undertaken to inform the development of the new zone as well as the zone provisions.

5.1 Technical Reports

43. The 'Ready for Tomorrow' Spatial Plan adopted by the Council was reviewed in the Economic and Population Growth Analysis Report² and the subsequent Gore District Plan Review – Planning for Growth Report³ provided more detailed recommendations on providing for growth within the District. These reports informed the development of the industrial zone provisions and the location of the proposed industrial zones.
44. As part of the development of the South Gore Industrial Development Area provisions and Outline Development Plan (DP) the following technical assessments were obtained:
- a. Gore District Plan Review – Traffic Assessment Report – General Industrial Zones (June 2023)
 - b. Gore South Outline Development Plan Context (July 2023)
 - c. GDC Future Development Modelling Assessment (October 2023)
 - d. GDC Future Development Modelling Assessment – Water Supply (October 2022)
45. The reports provided general guidance on servicing constraints for three waters within the development area; considered the DP and indicative road layout as well as providing guidance on future management of traffic effects; and provided urban design guidance to support the development of the DP and features such as the landscape buffer and indicative road layout.

6. Consideration of submissions

6.1 Structure of the report

46. Submissions on the Industrial Zones and Gore South Development Area have raised a number of issues which have been grouped by Plan provision within this report, where there a limited submissions on Plan provisions these may be grouped if there are common themes. I have considered substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submission(s) to which they relate.
47. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation generally assessing each submission, however, where submissions follow a common theme or single issue these have been grouped and collectively evaluated and assessed. I have organised the evaluation in accordance with the layout of chapters of the PDP as notified or grouped by submitter where the submission crosses multiple provisions but has a similar intent and relief sought.
48. Due to the number of submission points, this evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues

² Gore District plan Review: Economic and Population Growth Analysis, October 2021

³ Gore District Plan Review: Planning for Growth, June 2022

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**.

49. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in **Appendix B**. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the Chapter with recommended amendments in response to submissions as **Appendix A**.
50. This report only addresses definitions and submissions on mapping specifically relevant to this topic. Definitions that relate to more than one topic and general mapping submissions have been addressed in the Section 42A Introduction, General Provisions and Strategic Direction Report.

6.2 Overview of submissions

51. A total of 290 submissions and 84 further submissions are addressed in this report, as follows:
- a. General industrial Zone – 166 submissions and 62 further submissions
 - b. Light Industrial Zone – 73 submissions and 2 further submissions
 - c. Gore South Development Area and associated subdivision provisions – 51 submissions and 20 further submissions
52. A list of submitters on the industrial zones, south Gore development area and associated subdivision provisions is provided at the start of the report.
53. The submissions were generally supportive with some opposition and amendments sought including:
- j. Additional provisions to ensure water (potable and firefighting water) and wastewater servicing is provided for residential and non-residential activities.
 - k. A setback to the railway corridor boundary is provided for.
 - l. Additional provisions to ensure new buildings and activities are only established and constructed to minimise the effects of natural hazards including flood inundation.
 - m. Additional provisions to provide for relocated / second hand buildings.
 - n. That considerations of cultural values are more specifically articulated through the matters of discretion.
 - o. Rejection of the industrial zoning in south Gore and amendments to provisions to require neighbours' approval and increased performance standards to manage activities.
 - p. Additional provisions to have regard to the effects on indigenous biodiversity and ecological corridors.
 - q. Remove the opportunity for residential activities or allow for seasonal workers accommodation.

- r. Some amendments to performance standards around landscaping, screening, exemptions for emergency service towers and poles and reduce boundary setbacks in the GIZ.
54. The Section 42A report for Hearing Stream 3 Rural Zones identified that the following submission and further submission points from McNabb Management Ltd and NZTA were to be deferred until Hearing Stream 4 Industrial Zones to allow for an integrated and comprehensive assessment of the entire zone changes and amendments to provisions sought:
- McNabb Management Ltd (s103.008, s103.009, s103.010, s103.005, s103.014 & s103.029)
 - NZTA (FS14.029, FS14.030, FS14.031, FS14.027)
55. However, Minute 13 issued by the Panel on 3 July 2024 deferred consideration of these submission points until Hearing Stream 8 commencing 2 December 2024, therefore no assessment of these submission points has been undertaken within this report.
56. There are additional submission points not referred to in Minute 13 which have been set down for the Industrial Zones topic, however, practically these submissions should be considered at the same time as the above submission points. Therefore, it is recommended that the following submission points are also deferred to Hearing Stream 8:
- McNabb Management Ltd (s103.002, s103.006, s103.007)
 - NZTA (FS14.059, FS14.028, FS14.058)

6.3 Format for consideration of submissions

57. The submissions are grouped and assessed as follows:
- a. Definitions
 - b. General whole plan
 - c. Additional Provisions and submissions across both zones and development area
 - d. Mapping
 - e. Submissions specific to the GIZ
 - f. Submissions specific to the LIZ
 - g. Submissions specific to Development Area (including those relating to the zoning of development area).
 - h. Submissions specific to Subdivision within Development Area 1
58. 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.

59. The recommended amendments to the relevant chapters are set out in **Appendix A** of this report where all text changes are shown in a consolidated manner.

7. Submissions on Definitions and General Whole Plan, Cross Zone and Mapping Submissions

7.1 Definitions

Matters raised by submitters

Ancillary activity

60. Southland Federated Farmers (s126.007), Kevin Robertson (s115.008), Rural Ratepayers Group (s143.019), Alistair & Bernadette Hunt (s148.020), Ronald Crispin (s60.010) and John Baynes (s68.128) support the definition of 'ancillary activity' and seek that it is retained as notified.

Industrial activity and Industrial and trade waste

61. Alliance Group (s121.008 and s121.009) and Silver Fern Farms (s40.006 and s40.007) support the following definitions and seeks that they are retained as notified:

- a. Industrial activity
- b. Industrial and trade waste

Seasonal workers accommodation

62. Alliance Group (s121.017) and Silver Fern Farms (s40.015) seek the addition of a new definition:

Seasonal workers accommodation Means any premises used for residential accommodation purposes directly associated with the seasonal labour requirements of the District's agriculture, horticulture, viticulture, and cropping industries, including both existing permanent buildings and new relocatable structures. Seasonal workers accommodation includes ancillary kitchen, dining and ablution facilities and other ancillary living and recreation facilities for the exclusive use of resident seasonal workers, whether in one building or multiple buildings.

63. Federated Farmers (FS17.106) support in part the submission from Silver Fern Farms (s40.015) as the new definition ensures that seasonal workers accommodation is not considered a residential activity. NZTA (FS14.002) opposes Silver Fern Farms (s40.015) on the basis that seasonal workers accommodation should be a subset of residential activity and should not be excluded from the activities defined in the PDP as a 'noise sensitive activity'. NZTA consider that the amendments proposed would mean that the effects of noise on seasonal workers accommodation would potentially not be managed.

Sensitive Activity

64. Silver Fern Farms (S40.013) oppose the definition. Alliance Group (S121.015) seek an amendment. The submitters both seek that “seasonal workers accommodation” be recognised and exempt from the definition as often workers accommodation is located on the same site as the sensitive activity. They further consider subset activities principal activities such as residential activities and education activities are removed as they are already provided for.
65. Transpower (FS30.007, FS30.076) opposes the submissions by Alliance Group (S121.015) and Silver Fern Farms (S40.013) as they consider excluding seasonal workers accommodation from the definition of sensitive activity is inconsistent with the definition in the NPSET and fails to give effect to Policy 11 of the NPSET.
66. Transpower New Zealand Limited (S101.011) support the definition in part. The submitter seeks an amendment to ensure that graveyards and urupā are not sensitive activities in respect of the National Grid. Graveyards or urupā are not considered by the submitter to be activities that are sensitive to the National Grid (as set out in the definition in the NPSET) and therefore this clause is inconsistent with the NPSET where this term is used in respect of the National Grid. Transpower considers that clause (g) should be deleted or alternatively caveated so that it does not apply to the National Grid.
67. Ministry of Education (S125.005), Southland Federated Farmers of New Zealand (S126.045), Kevin Robertson (S115.046), Ronald Crispin (S60.048), Rural Ratepayers Group (S143.057), Alistair & Bernadette Hunt (S148.058), John Baynes (S68.166) support the definition and agree with the listed activities.
68. Silver Fern Farms (FS29.030, FS29.031, FS29.032, FS29.033, FS29.034) oppose the submission from Federated Farmers (S126.045), Kevin Robertson (S115.046), Ronald Crispin (S60.048), Rural Ratepayers Group (S143.057), Alistair & Bernadette Hunt (S148.058), John Baynes (S68.166) as they consider "seasonal worker accommodation" should be excluded in line with their submission.

Assessment

Ancillary activity

69. The support from Southland Federated Farmers (s126.007), Kevin Robertson (s115.008), Rural Ratepayers Group (s143.019), Alistair & Bernadette Hunt (s148.020), Ronald Crispin (s60.010) and John Baynes (s68.128) is acknowledged and accepted.

Industrial activity and Industrial and trade waste

70. The support from Alliance Group (s121.008 and s121.009) and Silver Fern Farms (s40.006 and s40.007) for industrial activity and industrial and trade waste definitions is acknowledged and accepted and no amendments are required.

Seasonal workers accommodation

71. In response to Alliance Group (s121.017) and Silver Fern Farms (s40.015) to include a new definition for seasonal workers accommodation I note that the definition is related to the inclusion of a new rule enabling seasonal workers accommodation which is sought by both submitters. The inclusion of this provision is addressed at paragraphs 258 – 260 and as I do not recommend accepting the inclusion of this provision, I do not recommend the inclusion of a definition for seasonal workers accommodation on the basis that it is not a term used elsewhere within the PDP and inclusion is therefore unnecessary and potentially confusing.

Sensitive Activity

72. The support for the definition of sensitive activity from Ministry of Education (S125.005), Southland Federated Farmers of New Zealand (S126.045), Kevin Robertson (S115.046), Ronald Crispin (S60.048), Rural Ratepayers Group (S143.057), Alistair & Bernadette Hunt (S148.058), John Baynes (S68.166) is acknowledged and the submissions are accepted. The further submissions from Silver Fern Farms (FS29.030, FS29.031, FS29.032, FS29.033, FS29.034) are therefore rejected.
73. In response to Silver Fern Farms (S40.013) and Alliance Group (S121.015) as it is not recommended to include a definition (or provisions for) seasonal workers accommodation it is not considered necessary to amend the definition for sensitive activity to refer to seasonal workers accommodation and the submissions are therefore rejected. The further submission from Transpower (FS30.007, FS30.076) is therefore accepted.
74. In response to the submission from Transpower (S101.011) the submitter considers that including graveyards and urupā in the definition would be inconsistent with the definition of sensitive activities under the National Policy Statement on Electricity Transmission (NPS-ET) *“Sensitive activities includes schools, residential buildings and hospitals.”*⁴ I note the National Environmental Standard for Electricity Transmission (NES-ET) includes a definition of ‘sensitive land use’ which means *“the use of land for a childcare facility, school, residential building or hospital”*.⁵
75. The activities listed in the NPS-ET definition of sensitive activities and NES-ET definition of sensitive land use are included in the PDP definition of sensitive activity, however, the PDP definition also includes places of worship, marae or Papatipu Rūnanga complex and graveyard or urupā. The submitter, however, only considers that the reference to graveyards and urupā are inconsistent with the NPS-ET.
76. It is not entirely clear, based on the rule framework what adverse effects on Transpower and the National Grid there would be from classifying graveyards and urupā as sensitive activities in relation to the National Grid. The NES-ET permits the ongoing operation of an existing

⁴ National Policy Statement on Electricity Transmission March 2008, Section 3 Interpretation.

⁵ Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009, Section 3 Interpretation.

transmission line and permits the alteration, relocation or replacement of an existing transmission line tower or pole subject to conditions.

77. Within the PDP INFR-R1 – INFR-R4 permit the establishment, operation, maintenance, replacement upgrade, repair or removal of infrastructure, which is in the case of above ground infrastructure (INFR-R3 & INFR-R4) is subject to conditions, none of which relate to sensitive activities.
78. INFR-R7 gives effect to INFR-P6⁶ and permits activities and development (other than earthworks) within the National Grid Yard where the activity is not a sensitive activity, in relation to the definition as notified this would mean graveyards and urupā would not be permitted within the National Grid Yard.
79. I acknowledge that Section 43B(1) of the RMA only allows a rule to be more stringent than an NES, however, I do not consider the rule framework does include more stringent rules in relation to the establishment, operation, maintenance, replacement upgrade, repair or removal of the National Grid in relation to sensitive activities.
80. In my view graveyards and urupā are places where people would come for reflection, to pay respects to loved ones and as such they have cultural and social sensitivities. The inclusion of graveyards and urupā in the definition followed consultation with the Hokonui Rūnanga during the drafting of the PDP. Therefore in my opinion the definition should not exclude graveyards and urupā from the National Grid. As such I reject the submission from Transpower (S101.011).

Recommendation

81. For the reasons given above no amendments are recommended to the definitions considered in this report.
82. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

7.2 General Whole Plan Submissions

Matters raised by Submitter

83. General submissions in support of the PDP from Hokonui Rūnanga (s139.093), McNabb Management Ltd (s103.031) and Transpower New Zealand Ltd (s101.103) were received. These submission support the plan but for their requested changes in the specific submissions.

⁶ Proposed District Plan – Part 2 – District Wide Matters – Infrastructure – INF-P6 “adverse effects (including reverse sensitivity effects) are avoided, remedied or mitigated where activities are adjacent to critical infrastructure, including the management of sensitive activities and the effects of subdivision, use and development that may compromise the operation, maintenance, upgrade and development of the National Grid.”

Assessment and Recommendation

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

7.3 Cross Zone Submissions Seeking Additional Provisions

Overview

85. The following submitters have submitted to amend either both the GIZ and LIZ Chapters and in some cases the Development Area Chapter as follows:

Submitter	Submission
Fire and Emergency NZ (FENZ) (s124)	• Add a new standard relating to servicing of activities with water (potable and firefighting) and wastewater. • Amend standards in the GIZ and LIZ to ensure landscaping does not obscure emergency or safety signage or obstruct access to other emergency response facilities.
Environment Southland (ES) (s85)	• Include an objective and policy relating to natural hazard risk and include a performance standard requiring a minimum floor level so that new buildings and activities are designed and built to minimise impacts associated with natural hazards, flood and inundation.
New Zealand Heavy Haulage Association (NZHHA) (s77)	• Addition of a new provision to provide for relocated second hand buildings as a permitted activity, subject to conditions with a Restricted Discretionary activity status for non-compliance; OR • Amend each rule for residential activities / units to reference 'new <u>or relocated building</u>' (new text underlined)
KiwiRail Holdings Limited (KiwiRail) (s132)	• Additional standard to require buildings to be setback 5 metres from the rail corridor. This includes a consequential amendment to rules to reference the new standard and in the LIZ, KiwiRail seek a specific amendment to LIZ-S4 to include a setback standard.
Royal Forest and Bird Society of New Zealand Incorporated (Forest & Bird) (s110)	• Include an additional standard to require a setback from a Significant Natural Area (SNA) for all activities. • Amend GIZ-P4, LIZ-P3, DEV1-O1 & DEV1-P2 to refer to the adverse effects on indigenous biodiversity and ecological corridors.

	Amend GIZ-R1 to GIZ-R5, LIZ-R10 to LIZ-R14 and DEV1-R1 to include a condition relating to adverse effects on indigenous biodiversity and ecological corridors.
Ministry of Education (MOE) (s125)	To provide for educational facilities as a Discretionary Activity.
NZTA (s112)	- Amendments to the landscaping standard. - Amendments to the overview and purpose of each Zone to reference staging requirements for the development area.
Hokonui Rūnanga (s139)	- Amendments to GIZ-O4 and LIZ-O4 to redraft the objective and remove reference to “Ngāi Tahu cultural values”. - Deletion of clause 4, which refers to “Ngāi Tahu cultural values” from DEV1-O1

7.3.1 Fire and Emergency New Zealand

Matters raised by Submitter

86. FENZ (s124.261, s124.246 & s124.317) seek an amendment to include a new standard in the GIZ, LIZ and Development Area 1 Gore South Chapters to ensure new buildings are provided with firefighting water supply in accordance with SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice⁷:

GIZ/LIZ-S11 Servicing

- Where available any residential unit and buildings for non-residential activities shall be connected to a Council reticulated water supply.
- Where available any residential unit and buildings for non-residential activities shall be connected to a Council reticulated wastewater network.
- Where Council reticulated water supply is unavailable, any residential unit and buildings for non-residential activities must:
 - be connected to a community drinking water supply; or
 - be connected to a private drinking water supply; or
 - store 45,000 litres of potable water on-site from another source.
- Where Council reticulated wastewater is unavailable, any residential unit and buildings for non-residential activities must:
be provided with an on-site wastewater treatment and disposal system.

⁷[N5a-SNZPAS-4509-2008-NZFS-Firefighting-water-supplies-Code-of-practice.pdf \(fireandemergency.nz\)](#)

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

87. FENZ (s124.313) also supports in part DEV1-R1 and seeks that it is retained subject to inclusion of a new standard for servicing.
88. FENZ seek consequential amendments to the following rules to refer to the new servicing standard:

Zone and Rules	Submission
General Industrial Zone GIZ-R1-GIZ-R9 and GIZ-R11	s124.247, s124.248, s124.249, s124.250, s124.251, s124.252, s124.253, s124.254, s124.255,
Light Industrial Zone LIZ-R1 and LIZ-R2-LIZ-R14	s124.227, s124.228, s124.229, s124.230, s124.231, s124.232, s124.233, s124.234, s124.238, s124.235, s124.236, s124.237

TABLE 1 FENZ SUBMISSIONS - SERVICING STANDARD

89. FENZ also supports in part but seeks an amendment to GIZ-S6 and GIZ-S8 (s124.259 & s124.260) and LIZ-S6, LIZ-S7 and LIZ-S9 to (s124.243, s124.244 & s124.245) to ensure that landscaping and/or screening will not obscure emergency or safety signage, access to emergency panels, hydrants, shut off valves or other emergency response facilities:

Amendment to GIZ-S6 & LIZ-S6

2. Landscaping shall not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.

Amendment to GIZ-S8, LIZ-S7 & LIZ-S9

3. Screening shall not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.

Assessment

90. There are essentially two components to the FENZ submissions (s124.261 s124.246 & s124.317) to include a new servicing standard. Firstly, the inclusion of a requirement to either connect to reticulated services or provide onsite servicing and secondly to provide firefighting water supply in accordance with SNZ PAS 4509:2008.
91. The right of reply for Hearing Stream 2 considered a further response from FENZ in relation to Minute 11 from the Hearing Panel. As noted in the Section 42A reports for Hearing Stream 2⁸ it is acknowledged that providing a standard for firefighting supply is a conscientious response

⁸ Commercial and Mixed Use Zone, Airport Zone, Field Days and Camp Columba and Natural Open Space Zones Section 42A reports.

to development, and there is currently no firefighting standard in the PDP. However, including the entirety of the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice as proposed by the submitter raises concerns in relation to the useability of the plan and the determining of compliance by Council officers due to the complexity and technical nature of the FENZ Code of Practice. To date FENZ have not provided any alternative to simply requiring compliance with the Code of Practice and as such it is not recommended this is included as a standard.

92. In relation to the addition of a servicing standard, again as noted in the Hearing Stream 2 Section 42A report and right of reply servicing of sites is currently managed through the Building Code with the Gore District Council Subdivision and Development Bylaw 2019 providing requirements for servicing of sites. The Residential Zones contain a servicing standard which was recommended to be duplicated in the Mixed Use Zone as there was uncertainty that every site had the ability to connect to reticulated services. However, the industrial zones are either urban zones where there is existing servicing or large sites occupied by a single activity which already has onsite servicing.
93. It is understood some amendments to the servicing standard in the Residential Zones is recommended through the Residential Zones Section 42A report.
94. In the Gore South Development Area sites are currently un-serviced with reticulated three waters supply, with the exception of the Silver Fern Farms processing facility which has a private water and wastewater connection. The technical advice received indicated that in order to service the sites upgrades to the wider network would be required, it is possible development will occur prior to these upgrades and as such sites would need to be self sufficient for servicing. For this reason, and to be consistent with other recommendations for a servicing standard throughout the PDP it is recommended that a standard is included in the Development Area Chapter for the Gore South Development Area. The standard should align with the recommended standard for recommended⁹ for the Residential Zones as follows:
 1. Where available any *building* which requires potable water shall be connected to a Council reticulated water supply.
 2. Where available any *building* which includes toilets and/or sinks or requires disposal of *industrial and trade waste* shall be connected to a Council reticulated *wastewater* network.
 3. Where Council reticulated water supply is unavailable, any *building* requiring potable water must:
 - (a) be connected to a community *drinking water* supply; or
 - (b) be connected to a private *drinking water* supply; or
 - (c) provide potable water on-site from another source.

⁹ Section 42A Report – Residential Zones

4. Where Council reticulated wastewater is unavailable, any building which includes toilets and/or sinks or requires disposal of industrial and trade waste must:
- (a) be provided with an on-site wastewater treatment and disposal system.

Activity status where compliance is not achieved:

Restricted Discretionary

Matters of discretion:

1. The ability to provide suitable on-site alternative services.

95. In response to the submission seeking an amendment to GIZ-S6 and GIZ-S8 (s124.259 & s124.260) and LIZ-S6, LIZ-S7 and LIZ-S9 to (s124.243, s124.244 & s124.245) I agree that landscaping and screening should be positioned and maintained so that it does not obstruct emergency response facilities including those listed in the submission. I, therefore, recommend that the relevant standards as listed above are amended as requested by FENZ and their submissions accepted.

Recommendations

96. For the reasons above it is recommended that in the Development Area Chapter, for DEV1 (South Gore Industrial Development Area), the submission from FENZ is accepted in part and a new standard is included as follows and provided in full in **Appendix A**.

DEV1-S3 Servicing

1. Where available any building which requires potable water shall be connected to a Council reticulated water supply.
2. Where available any building which includes toilets and/or sinks or requires disposal of industrial and trade waste shall be connected to a Council reticulated wastewater network.
3. Where Council reticulated water supply is unavailable, any building requiring potable water must:
 - (d) be connected to a community drinking water supply; or
 - (e) be connected to a private drinking water supply; or
 - (f) provide potable water on-site from another source.
4. Where Council reticulated wastewater is unavailable, any building which includes toilets and/or sinks or requires disposal of industrial and trade waste must:
 - (b) be provided with an on-site wastewater treatment and disposal system.

Activity status where compliance is not achieved:

Restricted Discretionary

Matters of discretion:

1. The ability to provide suitable on-site alternative services.

97. It is recommended that LIZ-S6, LIZ-S7 and LIZ-S9 are amended by the introduction of the following additional condition:

LIZ-S6 Landscaping

.....

2. Landscaping shall not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.

LIZ-S7 Screening

.....

2. Landscaping shall not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.

LIZ-S9 Screening of outdoor storage area and parking area

.....

3. Landscaping shall not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.

98. It is recommended that GIZ-S6 and GIZ-S8 are amended by the introduction of the following additional condition:

GIZ-S6 Landscaping

.....

2. Landscaping shall not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.

GIZ-S8 Screening of Outdoor Storage of goods and materials

.....

3. Landscaping shall not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.

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

Section 32AA Evaluation

100. The following evaluates the recommendation to add a servicing standard to the Development Area Chapter under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

The addition of the servicing standard (DEV1-S3) will be effective at ensuring servicing is provided either via reticulated means or onsite servicing which will provide a clear pathway for situations where insufficient servicing is proposed within a development and manage adverse effects associated with a lack of servicing for developments.

Costs and benefits

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

The addition of DEV1-S3 will have limited costs as developments are likely to achieve compliance. The benefits, however, are that certainty around servicing requirements is provided and environmental effects associated with inappropriate servicing are avoided.

Risk of acting or not acting

There is the potential for inadequate servicing of sites which do not have reticulated connections unless Council has a mechanism to control provision of onsite servicing. There are limited risks associated with the proposed amendments which are minor to improve Plan useability and certainty.

Conclusion as to the most appropriate option

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

7.3.2 Environment Southland (ES)

Matters raised by Submitter

101. ES opposes in part the GIZ and LIZ Chapters (s85.280 and s85.266) and seeks to add new objectives and policies relating to natural hazard risk and set performance standards regarding minimum floor levels in areas still vulnerable to flood risk as well as manage development within secondary flow paths. The submitter considers that new buildings or activities should only be established where they will be designed and built to minimise impacts associated with natural hazards, flood inundation. Consideration should also be given to effectively providing for secondary flow paths by preventing buildings structures and earthworks which could impede or redirect secondary flow paths.
102. Silver Fern Farms (FS29.081) opposes the ES submission for the GIZ and seeks that it is disallowed. The further submission did not expand on the reason for opposition of the ES submission, however, Silver Fern Farms notes that they would seek to be engaged in the development of any such provisions.
103. ES also seek the inclusion of a performance standard for new buildings or activities regarding minimum floor levels in the Activity Rules and performance standards including the setback to rivers and streams standard as detailed in Table 2 below:

Zone and Rules	Submission
General Industrial GIZ-R1- GIZ-R11 and GIZ-S5	s85.268, s85.269, s85.270, s85.271, s85.272, s85.273, s85.274, s85.275, s85.276, s85.277, s85.278, s85.279
Light Industrial LIZ-R1-LIZ-R14 and LIZ-S5	s85.251, s85.252, s85.253, s85.254, s85.255, s85.256, s85.257, s85.258, s85.259, s85.260, s85.261, s85.262, s85.263, s85.264, s85.265
Development Area DEV1-R1 and DEV1-S1	85.299, s85.300

TABLE 2 ES SUBMISSIONS - MINIMUM FLOOR LEVEL STANDARD

104. Alliance Group (FS27.027) and Silver Fern Farms (FS29.059) oppose the submission on GIZ-R1 (s85.268) and seek that it is disallowed. Both submitters consider that the submission does not contain enough information to provide a meaningful reply and that a suggestion of preventing buildings and structures which could impede or redirect secondary flow paths appears to preclude consideration of mitigation measures which may be overly restrictive in the GIZ. The submitters seek to be involved in the development of any minimum standards.
105. Silver Fern Farms (FS29.066, FS29.067, FS29.068, FS29.069, FS29.070, FS29.071, FS29.072, FS29.075, FS29.090, FS29.091) also opposes the submission on GIZ-R2 (s85.269), GIZ-R3 (s85.270), GIZ-R4 (s85.271), GIZ-R5 (s85.272), GIZ-R6 (s85.273), GIZ-R7 (s85.274), GIZ-R8 (s85.275), GIZ-R9 (s85.276), DEV1-R1 (s85.299) and DEV1-S1 (s85.300) and seeks that it is disallowed although they consider that they submission does not provide enough detail to make a substantive reply, however, Silver Fern Farms seek to be engaged in the development of any standard.
106. HWR Property (FS7.4) oppose in part the submission on GIZ-R3 (s85.270) and seek that it is disallowed in part although the imposition of such a performance standard is not opposed they consider this should only be a requirement where flood hazard is identified for the site.
107. ES (s85.297) opposes objective DEV1-O1 and seeks that it is reworded so that building and development only occurs where there is a low flood risk, medium and high flood risk areas should be avoided from any future change in land use or intensification. Silver Fern Farms (FS29.084) opposes the submission from ES (s85.297) and seeks that it is disallowed because a strict avoidance objective is not compatible with the purpose of the Gore South Development Area. The submitter notes that the Section 32 report for the GIZ addresses flood risk and identifies that avoidance of flood risk is impractical given the extent of the flood area within the district.
108. ES (s85.298) opposes DEV1-P2 and seeks that it is reworded to manage the effects from flood risk and that development only occurs in low flood risk areas and medium to high flood risk areas should be avoided from future change in land use or intensification.

Assessment

109. In response to the submissions from ES to include additional objectives and policies in the zone chapters (s85.280 and s85.266) and to amend DEV1-O1 and DEV1-P2 (s85.297 & s85.298) to manage the effects of flood hazard risk I do not consider adding objectives and policies in the

GIZ & LIZ Chapters and amending the objective and policies in the Development Chapter is necessary. The Natural Hazard Chapter contains objectives and policies which provide outcomes and direction for managing natural hazard risks. Furthermore, the Natural Hazard Chapter rule framework provides for new buildings and/or activities in areas subject to flood inundation.

110. In my opinion it is unnecessary to repeat the requirements of the Natural Hazard Chapter within the GIZ, LIZ and Development Area Chapters as this is inconsistent with the manner in which the National Planning Standard directs Plans to be presented and drafted. I note that the Zone provisions should be considered in conjunction with all other Chapters of the PDP which would include the Natural Hazard Chapter and there is a note to that effect within the Zone Chapters (Note 1).

111. However, in relation to DEV1-O1 and DEV1-P2 I note that the policy already includes reference to management of natural hazards and this reflects that there are known flood hazard risks within the development area. Overall, however, I consider it more appropriate that the outcomes sought by ES are managed through the Natural Hazard Chapter and can be dealt with through that future hearing stream.

112. In response to the ES submission detailed in Table 2 to include a performance standard for new buildings or activities regarding minimum floor levels, I consider that this matter is appropriately addressed within the Natural Hazard Chapter. The Natural Hazard Chapter includes a rule (NH-R2) applying to any buildings used for sensitive activities (which are defined in the PDP¹⁰ – see below).

NH-R2 Buildings used for sensitive activities within areas subject to actual or potential inundation		
All Zones	Activity status: Permitted Where: - Any new <i>building</i> or <i>building</i> addition must have a minimum floor level above the 0.5% AEP design flood level, unless otherwise directed by the Southland Regional Council planning department. Except that: - This rule does not apply to areas in the mapped Stopbank Protection Area. <i>Note: Regional Council recommendations take precedence over NH-R2.</i>	Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: - Suitable methods to mitigate the hazard risk. - The <i>functional need</i> and/or <i>operational need</i> to be located the <i>building</i> or <i>structure</i> in this location. - Nature and extent of hazard risk to people, Ngāi Tahu cultural values and property.

A sensitive activity is defined as “*means any: (a) health care centre or hospital. (b) educational facility, including school, early childhood facility, play centre. (c) residential activity, including retirement village and supported residential accommodation. (d) visitor accommodation. (e) places of worship. (f) marae or Papatipu Rūnanga complex. (g) Graveyard or urupā.*”

¹⁰ Proposed Gore District Plan, Part 1 – Introduction & General Provisions: Interpretation

113. The requirement for a minimum floor level for activities which are not 'sensitive activities' can be considered as part of the assessment of the Natural Hazard Chapter in Hearing Stream 9 when the general approach to managing flood hazard risk will be considered.

Recommendations

114. For the reasons above it is recommended that the submissions from ES are generally rejected.
115. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

7.3.3 New Zealand Heavy Haulage Association (NZHHA)

Matters raised by Submitter

116. NZHHA (s77.013 and s77.0.12) supports the GIZ and Light Industrial Zone chapters and seeks an additional provision to provide for relocated second hand buildings as a permitted activity standard subject to conditions:

- a. Any relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.
- b. A building pre-inspection report shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building.
- c. The building shall be located on permanent foundations approved by building consent, no later than 2 months of the building being moved to the site.
- d. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. Without limiting (c) (above) reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.
- e. The proposed owner of the relocated building must certify to the Council that the reinstatement work will be completed within the 12-month period

Restricted Discretionary activity status for relocated buildings that do not meet the permitted activity status.

117. As an alternative to a new standard NZHHA seek that the words "new or relocated buildings" is included within the activity rules for residential activities / units.
118. NZTA (FS14.049 and FS14.048) provided a further submission opposing the NZHHA submission (s77.013 and S77.012) and seek it is disallowed on the basis that relocated dwellings may be used for noise sensitive activities and the NZHHA submission does not seek to ensure that relocated dwellings are subject to NOISE-S3 acoustic treatment requirements. In its original

submission NZTA specifically sought to amend NOISE-R7 to include relocated buildings used for noise sensitive activities to manage the effects of noise from activities relocating close to the state highway network.

Assessment

119. In response to the NZHHA submission (s77.013 & s77.0.12) I agree in part with the submission, however, I consider that a new standard is unnecessary. Instead amending the activity rules within each zone would be sufficient to ensure that relocated buildings are provided for as a permitted activity.
120. The proposed amendment will ensure that relocated buildings meet the permitted activity conditions subject to compliance with the relevant standards and that undertaking an activity within a relocatable building does not inadvertently trigger a need for resource consent under the activity rules.
121. The PDP Temporary Activities Chapter contains rule TEMP-R8 in relation to Relocated Buildings. The 'temporary' factor being the relocation of a building to a site before it is fully reinstated. This rule is not subject to any submissions.

TEMP-R8	Relocated Buildings
All zones	Activity Status: Permitted Where: - Any relocated <i>building</i> complies with the relevant standards for <i>buildings</i> in the relevant zone; and - A <i>building</i> pre-inspection report shall accompany the application for a <i>building</i> consent for the destination <i>site</i>. That report is to identify all reinstatement works that are to be completed to the exterior of the <i>building</i>. The report shall include a certification by the property owner that the reinstatement works shall be completed within the specified 12 month period; and - The <i>building</i> shall be located on permanent foundations approved by <i>building</i> consent, within 2 months of the <i>building</i> being moved to the <i>site</i>; and - All other reinstatement work required by the <i>building</i> inspection report and the <i>building</i> consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the <i>building</i> being delivered to the <i>site</i>. Without limiting (3) (above) reinstatement work is to include connections to all <i>infrastructure</i> services and closing in and ventilation of the foundations.
	Activity status where compliance is not achieved: Restricted Discretionary. Matters of discretion: - The matters of discretion of any breached standard for <i>buildings</i> in the relevant zone. - External appearance and <i>amenity values</i>. - The timeframe for completion and reasons for delay. - Health and safety. - Any bond or other condition required to ensure completion of any <i>restoration</i> work.

122. The above rule permits relocated buildings across the district, where they meet the performance standards.
123. The performance standards include compliance with zoning standards relating to buildings, ensuring semblance of character and amenity from bulk and location of built form. The standard further requires a pre-inspection report to be submitted with any building consent application ensuring an appropriate level of scrutiny is undertaken by Council. The NZHHA submission to include a new activity for relocated buildings in each zone is essentially a duplication of the Temporary Activities rule. However, including the additional wording of

“relocated” in each existing activity rule which permits buildings will improve the clarity and useability of the PDP.

124. The further submission from NZTA is acknowledged, however, relocated buildings will be captured by the requirements of NOISE-S3 if they are used for a ‘noise sensitive activity’. NOISE-S3 relates to an activity (being a noise sensitive activity) rather than the physical building within which the activity takes place, that is it does not matter if the building is new or second-hand (relocated) it is the activity undertaken within that building which is a trigger for NOISE-S3.

Recommendations

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

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

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

Section 32AA Evaluation

127. The following evaluates the recommendation to amend the zone rules to reference ‘relocated’ as well as ‘new’ buildings under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner as it will be clear to a plan user viewing the specific zone chapters that relocatable buildings are permitted subject to the zone standards.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs. Enabling the use of relocated buildings for activities will avoid any unintended resource consents as a result of activities utilising relocated rather than new buildings.

Risk of acting or not acting

There is the potential for confusion or inconsistency over the status of relocated buildings if the proposed amendment is not made.

Conclusion as to the most appropriate option

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

7.3.4 KiwiRail Holdings Limited (KiwiRail)

Matters raised by Submitter

128. KiwiRail (s132.235, S132.231) seeks an amendment to the GIZ and LIZ Chapters to include an additional standard to require a 5 metre setback to any boundary with the rail corridor. Non-compliance would require a restricted discretionary resource consent with matters of discretion relating to the safe and efficient operation of the rail network; compatibility with the surrounding environment and the reason for the reduced setback.

129. The submitter considers this would enable maintenance of buildings to be undertaken safely, without the risk of machinery, equipment or materials protruding into the rail corridor. Further, to ensure that people can use and maintain their land and buildings safely without needing access to the railway corridor, minimizing the risks of physical interference with railway operations and avoiding health and safety hazards for residents.

Setback from rail corridor

All activities

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

Activity status where compliance not achieved: Restricted Discretionary

Matters of discretion:

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

130. KiwiRail (s132.230) seeks an amendment to LIZ-S4 to require a 'no build' setback of 5 metres to the rail corridor to allow people to maintain their land and buildings without accessing the rail corridor.

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

Activity status: Restricted Discretionary

Matters of discretion:

.....

4. The safe and efficient operation of the rail network

5. Compatibility with the surrounding environment 6. The reason for the reduced setback.

Assessment

131. The Right of Reply for Hearing Stream 2 assesses further evidence provided by KiwiRail in response to Minute 11 from the Hearing Panel and recommends a new standard to be included in the Commercial and Mixed Use Zone as there are sites within those zones which adjoin the rail corridor. As the LIZ and GIZ, at certain points, adjoin the rail corridor I consider it

appropriate to include a standard within the those Chapters for the reasons set out in the right of reply, this will also ensure consistency in the approach across the PDP.

132. However, I recommend some amendments to the standard proposed within the Right of Reply to exempt buildings under 3m in height from having a setback on the basis that within the industrial zones there is likely to be buildings such as containers or smaller storage sheds which should be permitted to be close to the boundary on the basis that the maintenance of these buildings would not require scaffolding and as such the concerns raised by KiwiRail with regard to the placement of scaffolding is unlikely to be an issue, furthermore, these structures (such as containers) may be temporary or movable.

133. For these reasons I recommend the following standard:

Setback from Rail Corridor

1. Any building greater than 3m but no greater than 5m in height shall be setback at least 1m from the legal boundary with the rail corridor of the Main South Line.
2. Any building greater than 5m but no greater than 9.5m in height shall be setback at least 2.5m from the legal boundary with the rail corridor of the Main South Line.
3. Any building greater than 9.5m in height shall be setback at least 3.5m from the legal boundary with the rail corridor of the Main South Line.

Activity status where compliance is not achieved: Restricted Discretionary

Matters of discretion:

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

134. In response to the submission from KiwiRail (s132.230) on LIZ-S4 it is unclear why a specific amendment to this standard is sought in addition to a standalone submission requiring setback to the Rail Corridor. However, as it is accepted that a new standard requiring a setback to the Rail Corridor is introduced to the LIZ it is not recommended to make any amendments to LIZ-S4 and the submission is rejected.

Recommendation

135. I recommend, for the reasons given above, that the KiwiRail submissions (s132.235, S132.231) are accepted in part and the submission (s132.230) is rejected.

136. I recommend the following the GIZ and LIZ Chapters are amended to include a new standard as follows:

Setback from Rail Corridor

1. Any building greater than 3m but no greater than 5m in height shall be setback at least 1m from the legal boundary with the rail corridor of the Main South Line.

2. Any building greater than 5m but no greater than 9.5m in height shall be setback at least 2.5m from the legal boundary with the rail corridor of the Main South Line.
3. Any building greater than 9.5m in height shall be setback at least 3.5m from the legal boundary with the rail corridor of the Main South Line.

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

Matters of discretion:

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

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

Section 32AA Evaluation

138. The following evaluates the recommendation to amend the GIZ and LIZ to include a new standard for setbacks to the rail corridor under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner and will be an effective and efficient means of managing adverse effects on the rail corridor as critical infrastructure whilst allowing for efficient use of industrial zoned sites.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There may be some economic costs associated with the loss of land utilisation from the setback, however, these costs may be outweighed by benefits to the safe and efficient operation of the rail network.

Risk of acting or not acting

There is the potential risk for adverse effects on the rail network if the amendment is not made and limited risk if the amendment is made.

Conclusion as to the most appropriate option

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

7.3.5 Ministry of Education (MOE)

Matters raised by Submitter

139. MOE (s125.076 and s125.079) seeks inclusion of a new rule in the GIZ and LIZ Chapters to provide for educational facilities as a discretionary activity on the basis that there may be a need to locate educational assets within the LIZ and GIZ. Educational facilities are essential social infrastructure that may need to be located within industrial areas and a discretionary activity status provides flexibility without unreasonable restrictions for education facilities to be best placed to serve the needs of the LIZ and GIZ.
140. Alliance Group (FS27.031) and Silver Fern Farms (FS29.080) oppose the submission (s125.079) for the GIZ and seek that it is disallowed on the basis that the zone is not a suitable area for educational facilities. They consider that any unique exceptions would be considered as a non-complying activity under GIZ-R12 (as notified) and this is the most appropriate status.

Assessment

141. In response to MOE (s125.076 and s125.079), the industrial zones are not considered appropriate locations for educational facilities, other than Trade and Industrial Training Facilities which are permitted through rules LIZ-R2 and GIZ-R3. Trade and Industrial Training Facilities are defined as:

Means a premises accommodating specialised education and training facilities where a group of people are given trade or industry tuition and training on a formal basis.

142. Therefore, given the relationship between these types of education facilities and the industrial activities anticipated within the LIZ and GIZ, I consider it appropriate that they are provided for. However, other types of educational facilities would be inappropriate due to the potential for reverse sensitivity effects which could compromise anticipated activities and the potential adverse effects on students, teachers and parents from activities generating noise and discharges.
143. The rule framework aligns with policies LIZ-P3 and GIZ-P4 which seek to avoid activities that may result in conflict and / or potential reverse sensitivity effects with existing or anticipated activities.
144. In both the LIZ and GIZ Chapters educational facilities (other than trade and industry training facilities) would be a non-complying activity which gives effect to policies LIZ-P3 and GIZ-P4 where there is an avoid direction. This approach is consistent with the wider drafting style of the PDP whereby activities which should be avoided have a non-complying activity status and activities which should be managed have a restricted discretionary or discretionary activity status.
145. Therefore, providing for educational facilities as a discretionary activity would be inconsistent with policies LIZ-P3 and GIZ-P4.

Recommendation

146. I recommend, for the reasons given above, that the submissions from MOE (s125.076 and s125.079) are rejected.
147. As a consequence, the further submissions from Alliance Group (FS27.031) and Silver Fern Farms (FS29.080) are accepted.
148. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

7.3.6 Forest and Bird

Matters raised by Submitter

149. Forest and Bird (s110.065 and s110.058) seek to amend the GIZ and LIZ Chapters to add a new standard which would require buildings and structures to be setback at least 10 metres from a Significant Natural Area (SNA). Forest and Bird notes that there is currently no requirement in the PDP for building / structures to be setback from SNAs and this new provision would provide for those setbacks:

GIZ/LIZ-S11 Setbacks from a Significant Natural Area (all activities)

Permitted activity

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

Activity status where compliance is not achieved: Restricted Discretionary

Matters of discretion:

1. Effects on Significant Natural Area values and indigenous biodiversity values.
2. The impact of the activity on any, rare or threatened indigenous species or taonga species and how any potential impact could be avoided, remedied or mitigated.
3. The activity has a functional need to be located in the area.

150. Hamish Weir (FS5.182 and FS5.176) opposes the Forest and Bird submission (s110.065 and s110.058) to add a new standard in the GIZ and LIZ Chapters and seeks that the submissions are disallowed.
151. Forest & Bird (s110.059, s110.052 & s110.083) seeks an amendment to GIZ-P4 and LIZ-P3 to link the policy to GIZ-O4 and LIZ-O5 respectively and recognise that there is the potential for industrial activities to cause effects on indigenous biodiversity and /or ecological corridors depending on its location. Forest & Bird seek the following addition to the policy:

Cause adverse effects on indigenous biodiversity or ecological corridors.

152. Silver Fern Farms (FS29.055 & FS29.085) oppose the submissions from Forest & Bird (s110.059 & s110.083) on GIZ-P4 & DEV1-P2 and seek that it is disallowed because an avoidance policy as proposed is not considered appropriate in the GIZ and there is no evidence of the presence of significant ecological values to support such an approach. Landscape and screening standards in the GIZ (as notified) provide opportunities for biodiversity enhancement.

153. Forest & Bird (s110.082) seek an amendment to objective DEV1-O1 because as a result of increased development there is a risk that ecological corridors that currently exist could become disjointed and/or there may be environmental effects:

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

154. Silver Fern Farms (FS29.082) opposes the submission from Forest & Bird (s110.082) and seek that it is disallowed because it would be counter to the purpose of the zone and there is no evidence of potential ecological effects to justify an additional and all-encompassing constraint.

155. Forest & Bird seek an amendment to the following rules to ensure that any new industrial activity does not adversely affect indigenous biodiversity.

Zone and Rules	Submission
<i>General Industrial</i> GIZ-R1- GIZ-R5	s110.060, s110.061, s110.062, s110.063, s110.064
<i>Light Industrial</i> LIZ-R10-LIZ-R14	s110.053, s110.054, s110.055, s110.056 & s110.057
<i>Development Area 1</i> DEV1-R1	s110.084, s110.087

156. The submitter states that the amendments they seek flows on from amendments they seek to policy GIZ-P4 & LIZ-P3 and notified objectives GIZ-O4 & LIZ-O5:

GIZ-R1 to GIZ-R5

Activity status: Permitted

Where:

.....3. There is no more than minor adverse effects on indigenous biodiversity or ecological corridors.

LIZ-R10 to LIZ-R14

Activity status: Permitted

Where:

.....5. The extent and scale of adverse effects on indigenous biodiversity or ecological corridors

DEV1-R1

Activity status: Permitted

Where:

.....5. There is no adverse impact on indigenous biodiversity and ecological corridors.

157. Hamish Weir (FS5.177, FS5.178, FS5.179, FS5.180 & FS5.181) and Silver Fern Farms (FS29.058, FS29.060, FS29.061, FS29.062, FS29.063 & FS29.087) oppose the submissions from Forest & Bird (s110.060, s110.061, s110.062, s110.063 & s110.064, s110.084) on GIZ-R1 to GIZ-R5 and DEV1-R1 and seek that it is disallowed. Hamish Weir considers it is an unnecessary amendment and Silver Fern Farms consider that the amendment is counter to the purpose of GIZ and not supported by any evidence of significant ecology values in the zone to justify the approach.

Assessment

158. In response to Forest & Bird (s110.065 and s110.058) there are currently only two SNAs identified in the Operative District Plan (ODP) and although additional SNAs may be mapped as a variation to the PDP (refer to ECO-P1) it is unlikely that these would be within any of the Industrial Zones.

159. The industrial zones under the ODP are typically within 'urban environments' or already developed with an industrial activity, thereby negating the likelihood that there would be an SNA on the site. Within the Gore South Development Area which has been recommended for industrial zoning in the PDP there are also existing activities and the historic and current use of the sites mean it is unlikely that there would be any areas which would fit the SNA criteria identified within the PDP.

160. However, should any development on a site where there may be indigenous biodiversity the provisions of the ECO Chapter would be applicable. However, any requirement for setback from SNAs should be located within the ECO Chapter as I consider the management of indigenous vegetation is a District Wide matter. The PDP ECO Chapter has appropriate provisions to protect SNAs from inappropriate disturbance or clearance through rules, matters of discretion and a policy framework.

161. It could be argued that SNAs may be located on neighbouring sites and therefore the ECO Chapter would not reasonably be reviewed by a Plan user, and so a standard requiring setback should sit in this Chapter. However, I think it would be unreasonable for Plan users to be required to obtain an ecological assessment identifying an SNA that may potentially lie on a neighbouring site, in order to confirm compliance with the proposed standard. I do not consider this to be efficient or effective for Plan users or decision makers.

162. In response to Forest & Bird (s110.059 & s110.052) the Ecosystems and Indigenous Biodiversity (ECO) Chapter contains policies which seek to avoid adverse effects on indigenous biodiversity, in particular ECO-P8 and ECO-P10:

ECO-P8 When assessing consents for subdivision, land use and development, avoid effects which will:

- 1. Prevent an indigenous species or community being able to persist in their habitats in the ecological district;*
- 2. Result in a degradation of the threat status, further measurable loss of indigenous cover or disruption to ecological processes, functions or connections in land environments in category one or two of the Threatened Environment Classification at the ecological district level;*
- 3. Result in a reduction in the local population of threatened taxa in the Department of Conservation Threat Categories 1 – 3a - nationally critical, nationally endangered and nationally vulnerable; and*
- 4. discourage mana whenua access to indigenous biodiversity for a mana whenua cultural purpose*

ECO-P10 Maintain indigenous biodiversity across the district by:

- 1. Managing any significant adverse effects of new subdivision, use or development by applying the effects management hierarchy;*
- 2. Managing the adverse effects of new subdivision, use or development on highly mobile fauna areas in order to maintain viable populations of specified highly mobile fauna across their natural range*
- 3. Maintaining, and where appropriate enhancing or restoring, the functioning of ecological corridors and linkages;*
- 4. Minimising adverse effects on, and encouraging mana whenua access to, areas of indigenous biodiversity which are significant to mana whenua;*
- 5. Establishing a Biodiversity Stakeholder Group to review District Plan provisions, encourage non-regulatory assistance, and enhance landowner engagement;*
- 6. Developing a biodiversity strategy that would consider free ecological surveys, financial support to Significant Natural Area landowners, rates remissions for Significant Natural Areas, and advice and support for local conservation groups and programmes;*
- 7. Preserving protected wildlife; and*
- 8. Recognising the benefits of farm management practices and active management of indigenous biodiversity, including voluntary animal and plant pest and stock control and/or formal legal protection.*

163. In response to Forest & Bird (s110.082) as noted above it is appropriate that considerations relating to indigenous biodiversity are located within the ECO Chapter. There is no definition for 'ecological corridor' although I note that the submitter has sought to add a definition and this will be considered in hearing stream 9. The General and Light Industrial Zone Chapters contain a standard requiring a stream setback and this will manage the effects of activities on riparian margins. If it is considered appropriate to add a definition and standards relating to ecological corridors through hearing stream 9 consequential amendments to other chapters of the PDP can be recommended at that time.

164. Overall, it is considered more appropriate that these effects are managed through the ECO Chapter rather than through individual zone chapters. On this basis the submissions are rejected and the further submission from Silver Fern Farms (FS29.055 & FS29.082) is accepted.

165. In response to the submissions from Forest & Bird on Rules GIZ-R1 to GIZ-R5 and LIZ-R10 to LIZ-R14 (s110.060, s110.061, s110.062, s110.063 & s110.064, s110.054, s110.055, s110.056 & s110.057) I do not consider the proposed amendment to be appropriate as it requires an assessment of effects to determine if an activity is permitted or not. In other words, to establish if an activity complied with the condition it would need to be determined that adverse effects are no more than minor. In the first instance it is unclear who would make this determination. However, more importantly I do not consider this to be an effective or appropriate means of achieving the objectives. The proposed amendment would be unclear and create confusion for both Plan users and decision makers.

For this reason, I reject the submission and accept the further submissions from Hamish Weir (FS5.177, FS5.178, FS5.179, FS5.180 & FS5.181) and Silver Fern Farms (FS29.058, FS29.060, FS29.061, FS29.062 & FS29.063).

Recommendation

166. I recommend, for the reasons given above, that the submissions from Forest and Bird (are rejected.

167. As a consequence, the further submissions from Hamish Weir (FS5.182 and FS5.176) are accepted.

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

7.3.7 NZTA

Matters raised by Submitter

169. NZTA (s112.161 & s112.158) supports in part GIZ-S6 & LIZ-S6 and seeks an amendment as follows:

1. A landscaping strip with an average width of 2 metres along the frontage of the site is provided.

Except for any area required for vehicle or pedestrian access, where:

(a) the plants do not result in any of the following effects on the road network:

(i) the visual obstruction of sight lines to and from any vehicle crossing or intersection;

(ii) shading, causing icing of the road carriageway;

(iii) branches or foliage that overhangs the road corridor;

(iv) plant debris, especially from deciduous plants, that could block drainage systems within the road corridor.

Activity status where compliance is not achieved:

Restricted Discretionary

Matters of discretion:

.....3. The effect of the non-compliance on the safe, efficient and effective function of the road network.

170. NZTA generally supports the standard because it requires landscaping along the frontage of the site but considers the standard as notified does not manage the actual or potential effects of that landscaping on a site which fronts the State Highway. Inappropriate plant choice could result in the landscaping strip obstructing visibility to and from a vehicle crossing or intersection, causing shading or icing on the road network or maintenance issues for road controlling authorities, such as branches overhanging the road.
171. NZTA (s112.159 & s112.162) supports in part GIZ-S8 and LIZ-S9 because the standards require onsite service areas to be screened from the road, however, an amendment is sought to ensure the effects of any unconsolidated materials located in outdoor storage areas are managed to prevent loose materials blowing over boundaries and creating a nuisance, such as diminishing visibility on a road. An additional matter of discretion is also sought:

...3. Unconsolidated materials such as soil, coal, sawdust, powdered fertiliser are to be covered or otherwise secured from being blown by the wind.

Activity status where compliance is not achieved:

Restricted Discretionary

Matters of discretion:

... 6. Any adverse effects on the road network.

172. NZTA (s112.155 & s112.160) support in part the overview and purpose and seek further clarification regarding the staging and sequencing of the development area. The submission seeks that the overview and purpose is amended to make it clear how staging / sequencing will occur with DEV1 South Gore Industrial Area to ensure traffic effects on the State Highway are managed and the trigger for upgrading of intersections is clear.

Assessment

173. In response to NZTA (s112.161) I note that the landscaping requirements under GIZ-S6 are consistent with other landscaping requirements across other zones in the PDP, it is unclear why NZTA have only submitted on the General and Light Industrial Zones and not other zones. I agree that landscaping should not obstruct sight lines however, any such requirements should apply generally to sight lines and so would be more appropriately located within the Transport Chapter and so should be considered as part of Hearing Stream 5.
174. I consider the other requirements sought by NZTA make the standard overly prescriptive and somewhat unwieldy and that NZTA has not sought these amendments to other similar standards in other zones across the PDP. Both Council and NZTA, as road controlling authorities are able to require landowners to undertake works to trees which overhang the road corridor.
175. In response to NZTA (s112.159 & s112.162) I agree that loose materials being windblown could create a nuisance for road users and beyond that, occupants of other nearby sites. For this reason, I accept the submission and recommend an amendment to GIZ-S8 and LIZ-S9 to include an additional condition and matter of discretion as follows:

...3. Unconsolidated materials such as soil, coal, sawdust, powdered fertiliser are to be covered or otherwise secured from being blown by the wind.

Activity status where compliance is not achieved:

Restricted Discretionary

Matters of discretion:

... 6. Any adverse effects on the road network.

176. In response to NZTA (s112.160 & s112.155) the overview and purpose for both zones contains a general statement on the Development Area to ensure a connection and correlation between the zone and the development area it is not intended to explain the specifics of the development area approach. The Development Area Chapter contains a more detailed description and overview and as such it is not considered necessary or appropriate to provide detailed information such as any staging requirements in the GIZ or LIZ overview and purpose. The submissions are therefore not accepted.

Recommendation

177. I recommend an amendment to GIZ-S8 and LIZ-S9 as follows:

GIZ-S8 Screening of outdoor storage of goods and materials

1. Any on-site service area, including rubbish collection areas, must be fully screened by a 1.8m fence or landscaping from view of:

(a) public road

(b) an adjoining site in any rural or residential zone.

(c) other public space

Except that outdoor storage of goods for sale as part of the activity do not require screening from a public road.

2. Any on-site parking must be fully screened by a 1.8m fence or landscaping from view of an adjoining site in any residential or rural zone.

3. Unconsolidated materials such as soil, coal, sawdust, powdered fertiliser are to be covered or otherwise secured from being blown by the wind.

Activity status where compliance is not achieved:

Restricted Discretionary

Matters of discretion:

... 6. Any adverse effects on the road network.

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

7.3.8 Hokonui Rūnanga

Matters raised by Submitter

179. Hokonui Rūnanga (s139.080) opposes GIZ-O4 and seeks that the objective is replaced with the following on the basis that the Objective as drafted is unclear:

Potential sensitivity effects or reverse-sensitivity effects on people their values and activities resulting from activities within the GIZ are managed, particularly at the zone interfaces.

180. Hokonui Rūnanga (s139.078) opposes LIZ-O5 and seeks an amendment on the basis that the objective is unclear:

~~The adverse environmental effects, or impacts on Ngāi Tahu cultural values, generated by activities within the Light Industrial Zone are managed, particularly at zone boundaries.~~ Potential sensitivity effects or reverse-sensitivity effects on people their values and activities resulting from activities within the LIZ are managed, particularly at the zone interfaces.

181. Hokonui Rūnanga (s139.090) opposes DEV1-O1 and seeks to delete clause 4 on the basis that it is ambiguous:

~~.....4. future development respects and responds to the underlying relationship between Ngāi Tahu and the natural environment; and~~

182. Hokonui Rūnanga (s139.079 & s139.081) supports in part LIZ-P4 & GIZ-P5 but seeks an amendment to the policy because wherever possible the plan provisions should specify the particular effects of concern to mana whenua to ensure the plan provisions are clear and that appropriate effects are identified and assessed, including when Hokonui Rūnanga Inc may be an affected party. The submitter seeks that clause 5 of LIZ-P4 is deleted because it is ambiguous.

Require activities and development to maintain a level of on-site amenity, particularly at zone interfaces, consistent with the purpose of the zone by:

3. requiring appropriate setbacks to waterways to maintain and enhance amenity and ecological values, maintain access to mahinga kai; and reduce effects on mauri, ki uta ki tai ~~Ngāi Tahu cultural values and natural character"~~

~~5. responding to the underlying relationship between Ngāi Tahu and the natural environment.~~

Assessment

183. In response to the submissions from Hokonui Rūnanga (s139.078, s139.080 & s139.090) I disagree that the objectives are unclear. In my opinion the submitters amended wording referring to 'potential sensitivity effects or reverse sensitivity effects' is broadly captured through the PDP wording 'adverse environmental effects'. Furthermore, I am unclear what 'sensitivity effects' might include and note that this is not a term commonly used within the PDP. Introducing this term may result in confusion for Plan users and decision makers given it is not commonly used or defined. Given GIZ-O4 & LIZ-O5 are objectives and therefore

expresses an overarching outcome to be achieved, I consider the wording as notified, in particular the use of a broader phrase 'adverse environmental effects' remains appropriate.

184. I also note that the purpose of the objectives is to ensure that adverse environmental effects (with 'effects' being defined) are managed within the zone with a particular focus on zone interfaces, that is boundaries where the zone adjoins other zones where there may be a greater presence of sensitive activities, such as the Residential Zone. GIZ-O4 is given effect to by GIZ-P5 and LIZ-O5 is given effect to by LIZ-P4 & LIZ-P5 and subsequently by the Chapter standards which provide performance standards to manage the effects of activities. This includes, bulk and location standards, screening and landscaping requirements to mitigate the effects of activities being enabled within the zone. In my view the objectives as notified therefore provides sufficient direction, clarity of outcome and alignment with the provision hierarchy.
185. The deletion of clause 4 of DEV1-O1 would also leave the objective without any specific reference to cultural values and as noted above this would result in a misalignment between the objectives, policies and rule framework.
186. However, I accept that Hokonui Rūnanga may prefer to move away from the more general reference to "Ngāi Tahu cultural values". If that is the case then I would be agreeable to amending the objective to redefine how cultural values are expressed or include a separate objective to detail the outcomes sought in relation to potential adverse effects on cultural values. I consider the objective, or a separate objective should refer directly to cultural values in some form to align with the policy and rule framework.
187. An amendment may also align reference with other objectives across the PDP. For example, I note the Hokonui Rūnanga submission seeks amendments to refer to "the values mana whenua hold in relation to the mauri of whenua", in addition I note an amendment to UFD-O1 to refer to MW-2.3 where cultural values are articulated. On this basis I encourage Hokonui Rūnanga to provide some amended wording which could be considered through the hearing process.
188. In response to Hokonui Rūnanga (s139.079 & s139.081) I generally agree with the amendments sought as this provides more specific direction to plan users and decision makers as to what specific matters would be considered in relation to adverse effects on cultural values. However, I understand Hokonui Rūnanga have sought similar wording elsewhere within the PDP and that there may be some further amendments to the wording which have resulted in ongoing discussions between Council planners and Hokonui Rūnanga. I recommend therefore, that the submission is accepted but that any amendment to the policy to satisfy the submission aligns with consistent wording recommended elsewhere. The proposed amendment is recommended in the interim (subject to further amendment to ensure consistency):

Require a level of on-site amenity, particularly at zone interfaces, consistent with the purpose of the zone by: ...

3. requiring appropriate setbacks to waterways to maintain and enhance amenity and ecological values, maintain access to mahinga kai; and reduce effects on mauri, ki uta ki tai and Ngāi Tahu cultural values and natural character

189. However, I do not recommend clause 5 of LIZ-P4 is deleted as requested in the submission (s139.079), clause 3 of the policy relates only to stream setbacks whereas clause 5 allows for wider consideration of cultural values which I consider to be appropriate to give effect to the rule framework where cultural values are a matter of discretion, for example in LIZ-R5. However, as noted above if Hokonui Rūnanga do not support the wording and consider the clause could be better drafted in the same manner as the amendments to other objectives and policies then this could be considered through the hearing process.

Recommendation

190. I recommend that GIZ-O4, LIZ-O5 and DEV1-O1 are retained as notified without amendments (other than where amendments are recommended elsewhere in this report).

191. I recommend the following amendments to GIZ-P5 & LIZ-P4:

Require a level of on-site amenity, particularly at zone interfaces, consistent with the purpose of the zone by: ...

3. requiring appropriate setbacks to waterways to maintain and enhance amenity and ecological values, maintain access to mahinga kai; and reduce effects on mauri, ki uta ki tai and Ngāi Tahu cultural values and natural character

192. As noted above however, I agree that this amendment may further be amended to ensure consistency with the agreed wording for comparable policies.

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

Section 32AA Evaluation

194. The following evaluates the recommendation to amend GIZ-P5 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The amendment will allow greater efficiency in determining the specific cultural value matters which are relevant to the policy.

Costs and benefits

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

proposal and there would be benefits to cultural values to align with the outcomes sought by Hokonui Rūnanga

Risk of acting or not acting

There is the potential for confusion with the outcomes sought across the PDP in relation to how cultural values are considered and assessed if the proposed amendment is not made.

Conclusion as to the most appropriate option

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

7.4 Submissions on Mapping

Matters raised by submitters

South Gore Industrial Zoning and Development Area DEV1

195. Donna Vincent (s114.001) opposes in part the Gore South General Industrial zoning and considers that the area should be zoned Light Industrial from Racecourse Road to Saleyard Road, excluding the existing Silver Fern Farms buildings and yards along with adjoining land owned by Silver Fern Farms. The submitter considers that the GIZ might include significant hazardous facilities, noise, odour, dust and discharge effects with a permitted height of 15 metres and that these features and effects are undesirable and hazardous to grazing animals and people living adjoining the area. The zoning is not compatible neighbours for a rural lifestyle area.
196. P & J Talbot (s12.002) opposes in part the mapping and considers that industrial zoning adjacent to the rural lifestyle zone must be light industrial only.
197. Stephen Hook (s31.001) opposes the zone change in south Gore from Rural to General Industrial and submits that he does not want his lifestyle block changed from Rural to Industrial zoning on the basis that it will ruin the area and devalue his property.
198. Debra and Gary Gibson (s141.003 and s141.002) oppose in part the General Industrial Zoning and seek to extend the Light Industrial zoning to the boundary of Silver Fern Farms off Saleyard Road. The submission states that general or heavy industry would result in increased smells, noise, lights and potential for hazardous chemicals (which poses a risk to wildlife and wetlands) and increased risk of flooding which is not preferred adjacent to residential activity.
199. Karen Menlove (s89.003 & s89.002) opposes in part the inclusion of the land along the State Highway in South Gore to Racecourse Road in the GIZ and land at the racecourse being zoned LIZ. The submission states that the land at Racecourse Road has evolved into a residential area with large residential land blocks which is not rural lifestyle and so does not warrant that zoning. However, the introduction of industrial zoning immediately adjacent to residential homes does not protect the residential character and use of those sites.

200. ES (s85.301 & s85.309) opposes the DP and seeks that flood risk is delineated on the DP despite it being shown on the District Plan maps and opposes the development area map layer because development should be located elsewhere in an area that is not susceptible to natural hazards which could put people at risk.
201. Southland District Council (s146.104) opposes the development area map layer because the area is susceptible to inundation and development in the area could increase the risks to infrastructure and populations downstream.

Ravensdown

202. Ravensdown (s28.001) seeks an amendment to the zone mapping for Section 1 SO 12143 (land south of the Ravensdown site at 252 Waipahi Highway) to provide for a GIZ over this site rather than the proposed General Rural zone. The change is sought to ensure a consistent zoning over the land owned by Ravensdown and recognise its overall industrial use. The submission states that Section 1 SO 12143 has been fragmented from the 'General Rural' zone limiting its practical use for primary production and would be logical to extend the 'General Industrial' zone in this area. The rezoning would streamline consenting processes for any future industrial developments.

Environment Southland

203. ES (s85.059 & 85.058) support in part the zoning for GIZ and LIZ but seeks to prevent any new zone changes compared to the Operative District Plan (ODP) which have the potential to intensify land use activities and development within a flood inundation area as this will put communities at risk.

Alliance Group

204. Alliance Group (s121.108 & s121.001) seeks an amendment to the maps to zone the Alliance water treatment plant as General Industrial. The submission notes that the water treatment plant on the western site at Alliance Maitua is an established industrial activity servicing Alliance's meat processing activity. The PDP proposes a Rural Lifestyle zone (RLZ) over the site and the activity would be inconsistent with the overview and purpose of the RLZ and industrial activities are not provided for in the RLZ.

Webbline Agricultural, Hamish Weir & Ronald Ashby

205. Webbline Agricultural Ltd (s54.002) supports the rezoning of industrial land in Gore as there is a large shortage of suitable industrial land in Gore. Hamish Weir (FS5.193) supports the Webbline submission (s54.002).
206. Ronald Ashby (s107.003) opposes the Light Industrial Zone within the centre of town and seeks to retain the Mixed Use Zone because the area is characterised and framed by recreation / parkland with established dwellings. The PDP supports retail however, rejects established residential activity.

South Gore Industrial Zoning and Development Area

207. In response to Donna Vincent (s114.001), P & J Talbot (s12.002), Stephen Hook (s31.001), Debra and Gary Gibson (s141.003 & s141.002) and Karen Menlove (s89.003 & s89.002) the proposed light industrial and general industrial zoning between Racecourse Road and Saleyard Road has been comprehensively assessed and considered and the Section 32 Report for Industrial Zones provides an overview of this assessment.
208. The Gore Spatial Plan 'Ready for Tomorrow' identified a need for additional land to provide for business growth within the District, this Plan was reviewed by the Economic and Population Growth Analysis Report¹¹ and the subsequent Gore District Plan Review – Planning for Growth Report¹² which concluded that approx. 172 ha of land was needed for industrial activities to provide for the economic needs and wellbeing of the community.
209. The proposed mix of light and general industrial zoning has been proposed to provide for a range of activities. The LIZ is more restrictive of the types of activities which can establish and based on the predicts growth activities some general industrial zoning is also required to provide for a wider range of activities, such as processing and manufacturing. The Development Area Chapter includes an Outline Development Plan (DP) to guide how development can occur within the Development Area. Provisions within the Development Area Chapter and the DP both require a landscaping buffer along the boundary with adjoining rural lifestyle properties and additional setbacks have been proposed to assist in mitigating adverse effects on adjoining landowners.
210. The Council is required¹³ to provide land for sufficient development capacity to meet the expected demands of the district. Following a robust assessment of potential locations for industrial zones the area in Gore South was identified as being the most suitable because it maintained a compact urban form (UFD-O1), had good access to the State Highway, was close to reticulated services and contained a number of existing industrial activities which would be enabled and provided for through the zoning.
211. It is acknowledged that there may be potential flood hazard risk within the area, however, this will be managed through the Natural Hazard Chapter provisions with the objective and policies for DEV1 highlighting the need to manage the effects of natural hazards. Adverse effects on adjoining landowners are managed through setback requirements and landscaping provisions within the zone chapters along with the combination of light and general industrial zoning. Noise and light effects are managed within the Noise and Light Chapters and whilst the character of the area will experience some change the PDP provisions will ensure that there is a balance between managing adverse effects and providing for growth development to meet

¹¹ Gore District plan Review: Economic and Population Growth Analysis, October 2021

¹² Gore District Plan Review: Planning for Growth, June 2022

¹³ Resource Management Act 1991 Section 31(1)(aa)

the current and future needs of the community and ensure Council meets its obligations under the RMA.

212. In response to ES (s85.301 & s85.309) and Southland District Council (s146.104) Tonkin and Taylor have provide a flooding assessment¹⁴ for the Development Area which assesses the zoning against the RPS definition of 'significant risk' and identifies potential mitigation measures and the suitability of the area for the proposed zoning. The Flood Assessment is provided in **Appendix D**.
213. Figures 2 and 3 from the report show the 1% AEP flood event and indicative flood hazard in more detail. There are significant challenges in identifying land for rezoning to meet business demand given the extent of flood hazard across the district and the need to ensure that a compact urban form is achieved, this is explained within the Section 32 Evaluation Report for Industrial Zones. However, it is important to note also that the activities enabled within the Development Area, which have a light and general industrial zoning are less sensitive to flood hazard than zones such as Residential. The report, therefore, concludes raising the flood level / ground level could be a feasible mitigation for industrial buildings but in areas where there are high flood depths other activities such as storage may be appropriate provided they don't impact on flooding.
214. Given the wider constraints to zoning land to meet business demand and therefore achieve the Council's obligations under the NPS-UD and the options for mitigation I still consider the Development Area to be the best option for new industrial zones. This is further supported by the fact that there are existing industrial activities within the area, including a new activity recently developed at the corner of Saleyard Road and the State Highway which was approved by ES in relation to flood hazard.
215. The PDP Natural Hazard Chapter will manage flood risks more generally and is the appropriate location for measures to ensure flood levels / ground levels are adequate and that development does not occur in areas of higher risk where flood depths are anticipated to be greater. I therefore, consider that the zoning is appropriate and that flood hazard risks can be mitigated through provisions within the Natural Hazard Chapter. Any amendments to the Natural Hazard Chapter to achieve the necessary outcomes for flood hazard risk management will be considered as part of future Hearing Stream 9.

Ravensdown

216. In response to Ravensdown (s28.001) I agree that Section 1 SO 12143 (shown below) has limited capabilities for productive land uses due to its small size (1.416ha), however, the land has a Land Use Classification 3 and therefore the National Policy Statement for Highly Productive Land (NPS-HPL) is applicable. I also note that the site is subject to flood hazard.

¹⁴ Gore District Council Proposed Plan Change – Industrial Zones – Flooding Assessment, Tonkin & Taylor July 2024

217. Clause 3.6(4) of the NPS-HPL specifies that Territorial Authorities which are not Tier 1 or 2 (Gore is Tier 3) may allow urban rezoning of highly productive land only if:

- (a) the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and*
- (b) there are no other reasonably practicable and feasible options for providing the required development capacity; and*
- (c) the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.*

218. As noted above the Council has undertaken an evaluation of the amount of land required to provide development capacity to meet expected demand and this capacity has been met through the proposed Gore South Industrial Zone, therefore I do not consider rezoning the land meets the test of clause 3.6(4)(a) or (b). Whilst the rezoning may align with clause 3.6(4)(c) in that the economic benefits to Ravensdown outweigh the environmental, social, cultural and community costs associated with the loss of highly productive land more information is needed to determine if this is the case. In addition, the use of 'and' between each sub-clause (a-c) indicates that they all need to be met not just one clause.

219. Therefore, whilst I agree that the small size of the site and its fragmentation from other productive land parcels means it may be suitable for urban zoning, in my opinion the submission does not fully justify the zoning of the site under the NPS-HPL.

220. I do not consider flood hazard risks would prevent re-zoning the land industrial as any future activities on the land would need to be considered in accordance with the provisions of the Natural Hazard Chapter. As the proposed zoning is General Industrial, sensitive activities are already discouraged and other activities may be possible through mitigating flood hazard risk by raising ground levels or flood levels or by use of the land for ancillary activities such as storage.

221. The site adjoins the railway corridor, however, development within the site would be managed in the same way as development on Part Section 1 Blk XXV1 TN of East Gore to the north west which is zoned industrial under the ODP and PDP.

222. Taking into account the above considerations I recommend that the submission is rejected and that a General Rural Zone retained on the basis that an urban zoning would be inconsistent with the NPS-HPL based on the level of information currently available.

Environment Southland

223. In response to the ES submissions (s85.059 & s85.058) that land use zone change and development intensification within flood inundation areas should be avoided by retaining the Operative District Plan zoning, the intent of the submission is acknowledged. I appreciate that ES seek to manage any significant risk to communities from natural hazards consistent with Section 6 of the RMA. Many of the industrial zones are areas which have existing industrial

development and / or are within an urban environment and so the zoning reflects the existing pattern of development and therefore does not necessarily allow for land use change and development intensification.

224. There are, however, several new industrial zones proposed through the PDP. Most notably the Gore South Development Area which proposes a mix of light and general industrial zones and the land between Charlton Road and Racecourse Road where there is already a number of industrial activities taking place.

225. As noted elsewhere in this report the proposed zoning is to provide for growth within the district and was considered through a robust assessment in the Section 32 Report Industrial Zones. The Council is required to provide sufficient land to meet business needs under Section 31 of the RMA. The Section 32 Evaluation Report considered a range of different options to provide for growth and noted that much of Mataura and Gore urban areas are already mapped as being subject to inundation, therefore, it is unreasonable to avoid areas of inundation if a compact urban form is to be maintained (UFD-O1) and zoning reflects existing patterns of development. When considering all reasonable options to provide for growth it was considered that the land in South Gore was most appropriate despite parts of the land being subject to flood hazard risk.

226. For the above reasons I disagree with ES that the ODP zoning should be retained. Whilst consideration of flood hazard risk is required to ensure consistency with Section 6(h) of the RMA, the proposed industrial zones provide for activities which are not particularly sensitive to flood hazard risk, i.e. are not sensitive activities and mitigation such as raising floor levels or ground levels can be achieved and directed through the PDP Natural Hazard provisions.

227. The broader issues around flood hazard management within existing urban areas and infill development within flood prone areas and will be dealt with in more detail through the Natural Hazards Chapter, as directed by the National Planning Standards 2019, and will provide district wide direction for development which will be considered at a future hearing. It should be noted that there are objectives, policies and rules in the Natural Hazards chapter in relation to flood risk, including in relation to minimum floor levels within areas subject to actual or potential inundation. Risks associated with natural hazards can therefore be managed through the Natural Hazard Chapter provisions.

228. Moreover, the setback standard for rivers and streams applies to buildings and structures in all zones, and earthworks, and includes the following matter of discretion:

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.

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

Alliance Group

230. In response to Alliance Group (s121.108 & s121.001) I note the submitter owns two parcels of land to the rear of Main Street, Mataura as shown in Figure 1 (in yellow) the PDP proposes a Rural Lifestyle Zone over the land. Figure 2 shows the location of the submitter's water treatment plant (red hashed line) where they seek a General Industrial Zone to be applied.



Figure 1 Alliance Group Site

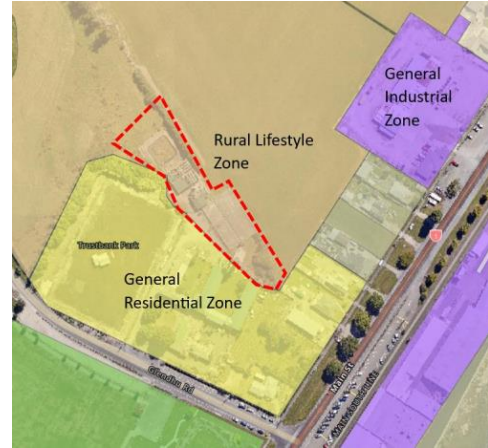


Figure 2 Location of water treatment plant

231. I agree with the submitter that a Rural Lifestyle Zone and the provisions, overview and purpose within that Chapter may not best suit the water treatment plant activity. However, in my opinion creating small "spot" zonings is not ideal, although I note that this has happened under the ODP at 197 & 205 Main Street Mataura (shown as General Industrial Zone in Figure 2).
232. The water treatment facility is an existing activity which could continue with existing use rights, however, problems may arise should the applicant wish to upgrade the facility in a manner which would mean existing use rights would no longer apply. In that situation a resource consent could be required under the Rural Lifestyle Zone provisions which deals with industrial activities as a non-complying activity.
233. However, on this basis and given there are other small industrial zones within Mataura I agree that an industrial zone would provide for the activity on an ongoing basis to allow for maintenance and upgrades. However, I consider that a Light Industrial zoning would be more appropriate as the site adjoins a residential zone and there are more stringent noise and activity requirements in the LIZ, although the activity would still be enabled through the provisions. The performance standards and noise standards will assist with mitigating any future effects of upgrades to the activity which may be permitted with the recommended zone change.
234. As noted at paragraph 180, although clause 3.6(4) of the NPS-HPL provides criteria where the Council may apply urban zoning to highly productive land, the site is zoned Industrial under the ODP. Therefore, despite the LUC 1 soil classification, the NPS-HPL is not considered to be applicable as applying a LIZ to the site would not be considered to be a new urban zone.
235. In summary I recommend that the submission is accepted in part and the area identified by the submitter rezoned to Light Industrial. An updated planning map is provided in **Appendix C**.

Webbline Agricultural, Hamish Weir & Ronald Ashby

236. The support of Webbline Agricultural Ltd (s54.002) which is further supported by Hamish Weir (FS5.193) is acknowledged and accepted.

237. In response to Ronald Ashby (s107.003) who opposes the Light Industrial Zone within the centre of town and seeks to retain the Mixed Use Zone. The Light Industrial Zone was determined appropriate following a detailed audit of activities in the area identified that the predominant land use was Light Industrial. I understand Mr Ashby lives within the zone in a residential dwelling and whilst I acknowledge a residential activity is not anticipated within the zone as an existing activity Mr Ashby will benefit from existing use rights. The surrounding environment is already light industrial in nature, although the zoning will enable these activities to expand the ODP Mixed Use zoning already provides for industrial activities with very little controls. Therefore, I consider the proposed zoning appropriate and reject Mr Ashby's submission.

Recommendation

238. The from Donna Vincent (s114.001), P & J Talbot (s12.002), Stephen Hook (s31.001), Debra and Gary Gibson (s141.003 & s141.002) and Karen Menlove (s89.003 & s89.002) are rejected for the reasons outlined above.

239. The submission from Ravensdown (s28.001) is not accepted for the reasons outlined at above.

240. The submission from Alliance Group (s121.108 & s121.001) is accepted for the reasons outlined at above and an amended planning map is provided in **Appendix C**.

241. The submission from Ronald Ashby (s107.003) is rejected for the reasons outlined in above.

242. Overall, it is recommended that all submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

243. The following evaluates the recommendation to amend the planning maps to allow for the Alliance Group water treatment plant to be zoned General Industrial under section 32AA of the RMA.

Effectiveness and efficiency

The zoning will allow for efficient use of land used currently for an industrial purpose and which is zoned Industrial under the ODP. The proposed amendment is an effective outcome which will allow Council to administer the PDP in a clear and consistent manner.

Costs and benefits

The benefits of the proposal are that the zoning will provide economic benefits for the landowner. There are no apparent costs with the proposal as the land has an industrial zoning under the ODP and is wholly occupied by an existing industrial activity.

Risk of acting or not acting

If the proposed amendment were not adopted there is a risk that the landowner would be subject to resource consents requirements which may unnecessarily constrain an existing activity. There is a low level of risk from the proposed amendment given the ODP zoning and the existing activity.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objectives within the General Industrial Zone and Urban Form and Development Chapter than the notified version of the PDP.

8. Submissions Specific to General Industrial Zone

8.1 General Submissions and Additional Provisions

Matters raised by submitters

244. Transpower (s101.089) opposes Note 1 and seeks that it is amended as follows:

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

245. Transpower considers that the Note is not sufficiently clear in terms of the rules that might apply to critical infrastructure generally, and the National Grid specifically. That is, as written, the Note could be understood to direct that the GIZ rules apply to infrastructure in addition to the rules in the Infrastructure Chapter. This would result in Rule GIZ-R12 applying and all infrastructure activities being non-complying activities. Transpower therefore, seeks that Note 1 is amended to explicitly set out that the GIZ rules do not apply to infrastructure.

246. P & J Talbot (s12.003 and s12.004) oppose in part the Chapter and seek that no activities can operate 24 hours a day 7 days a week. The submitter considers that there should be no fuel stations due to the risk of environmental damage, additional traffic, noise and light pollution as they are generally open 24/7. The submitter also considers that sites adjunct to the GIZ should be consulted with full agreement prior to any development including emergency services and training of.

247. HWR Property (FS7.1) opposes P&J Talbot's submission (s12.004) and seeks that it is disallowed on the basis that development within the GIZ should be enabled to operate within the provisions of the zone without requiring consultation from adjoining landowners. The submitter notes that noise standards typically require the adjoining zone to be taken into consideration with lower noise limits permitted at the boundary or notional boundary of sites adjoining residential or rural lifestyle zones.
248. Debra & Gary Gibson (s141.005) oppose in part the GIZ Chapter and seek more stringent regulations concerning noise, smell and lights which would be generated by industrial activities where there may also be hazardous chemicals which may depreciate land values.
249. HWR Property (FS7.2) opposes Debra & Gary Gibson's submission (s141.005) and seek that it is disallowed on the basis the noise and light will be managed through other provisions in the PDP and use of hazardous substances within industrial activities is managed through other legislation. The PDP provisions relating to hazardous substances are in line with best practice and no additional provisions are considered necessary.
250. Southland District Council (s146.092) support the GIZ Chapter.
251. HNZPT (s123.026) support the GIZ Chapter and are supportive of targeted precincts which provide for the consideration and protection of wider historic character of an area beyond the values of a scheduled heritage site. HNZPT considers that alongside the Historic Heritage provisions, precinct provisions appropriately balance the ongoing commercial and industrial use of each area while retaining the recognised historic heritage values. It is assumed that the submission relates to the Mataura Mill Precinct.
252. Alliance Group (s121.103) and Silver Fern Farms (s40.083) support the GIZ Chapter but seek an additional rule to be included to provide a consenting pathway for seasonal workers accommodation. They seek a new rule with a discretionary activity status as follows:

<u>GIZ-RXX</u>	<u>Seasonal workers accommodation</u>
	<u>Activity status: Discretionary Activity status</u>
	<u>where compliance not achieved: N/A</u>

253. HWR Property (FS7.9) opposes the submission from Silver Fern Farms (s40.083) and seeks that it is disallowed. HWR Property considers that the types of activities enabled within the GIZ can have a significant impact on residential activities as a result of the potential generation of noise, odour and dust. If the standard was included within the zone, HWR Property requests an activity status of non-complying with a requirement to obtain written approval from neighbouring industrial landowners as part of any application for resource consent.

Assessment

254. In response to Transpower (s101.089) who seek to amend Note 1 at the start of the GIZ chapter to specifically exempt infrastructure activities from compliance with the zone rules and standards. The Infrastructure chapter contains standards for infrastructure related buildings, for example building setbacks, building height and stream setbacks, and does in some cases

refer to the area specific zone provision for compliance. Arguably a specific provision overrides a general one, but I do acknowledge there is a risk of ambiguity in terms of which chapter/provision takes precedence.

255. The Infrastructure chapter will be heard at a later hearing stream and the specific provisions debated at such a time. I consider the recommendation on whether or not the Infrastructure chapter has precedence over a zone specific chapter depends on the recommendations of the provisions of that chapter, following review of submissions. As such, I recommend the submission point is rejected, but note that there may be consequential amendments to the GIZ chapter following the Infrastructure hearing.
256. In response to P & J Talbot (s12.003 and s12.004) I do not consider it would be reasonable to require that activities are not able to operate 24 hours 7 days a week or that fuel stations are prevented from establishing. The industrial zones are intended to enable industrial activities which may need to operate 24 hours 7 days a week and service stations are an appropriate activity within the zone. However, the zone provisions mitigate effects on landowners located within other zones such as setbacks, landscape and screening requirements. Furthermore, the Noise and Light Chapters include requirements for lesser levels of noise and light spill on adjoining zones such as rural lifestyle or residential where there is a greater prevalence of sensitive activities.
257. I do not consider it appropriate that a blanket requirement for adjoining landowner agreement is included. The RMA provides for a notification pathway where resource consent is required and adverse effects on other parties are minor or more than minor. Activities which are anticipated in the zone and comply with the permitted activity standards should not be unduly constrained by a requiring a third party approval from an adjoining landowner as this would be contrary to the purpose of the zone. The RMA seeks to enable activities where adverse effects are avoided, mitigated or remedied and the permitted activity standards have been determined, through the Section 32 evaluation to achieve the purpose of the objectives which achieve the purpose of the Act.
258. In response to Debra & Gary Gibson (s141.005) noise and light spill are managed through the Noise and Light Chapters which are the subject of future hearing streams (5 and 6 respectively). Hazardous chemicals are typically managed by the Hazardous Substance and New Organism Act (HSNO) and within the PDP any new significant hazardous facility would need a resource consent under the Hazardous Substance Chapter rules which will be considered at a hearing stream 6. The provisions within the Industrial zone chapters are considered to be sufficient to mitigate general adverse effects from anticipated activities on surrounding landowners.
259. Given the purpose of the industrial zones and the types of activities that should be enabled I do not accept the submissions from P & J Talbot (s12.003 and s12.004) and Debra & Gary Gibson (s141.005) and therefore accept the further submission from HWR Property (FS7.1 & FS7.2).
260. The support from Southland District Council (s146.092) and HNZPT (s123.026) is acknowledged and accepted.

261. In response to the submission from Alliance Group (s121.103) and Silver Fern Farms (s40.083) to include a new rule as a discretionary activity for seasonal workers accommodation I do not consider this to be appropriate in the context of the general industrial zone. The Objectives and Policies within the GIZ are clear that sensitive activities, which would include seasonal workers accommodation, should be avoided as they would be incompatible with the permitted industrial activities and would have the potential to result in reverse sensitivity effects. The Chapter provides for ancillary residential accommodation for caretakers, security personnel and as a temporary measure for people associated with the activity. Accommodation for these purposes is considered sufficient to provide flexibility and opportunities for people associated with an industrial activity. For example, a truck driver making a late delivery or a security guard needed onsite where there are security concerns.
262. The PDP provides for increased residential housing opportunities close to industrial zones which could be utilised for seasonal workers. I consider it inappropriate to utilise land zoned for industrial purpose for seasonal workers accommodation. I also note that including such an activity within the General Industrial Zone could conflict with the Rural Zones where such an activity has not been provided for, instead it has been anticipated that seasonal workers could be accommodated within the minor dwellings provided for as a permitted activity.
263. Resource consent could still be sought for seasonal workers accommodation as a non-complying activity, however, the Plan is directive that these activities should be avoided and therefore the non-complying activity status is appropriate, and the submissions are rejected.
264. The further submission from HWR Property (FS7.9) on the submission from Silver Fern Farms (s40.083) is therefore accepted.

Recommendation

265. It is not recommended that any amendments be made to the GIZ Chapter in response to the general submissions considered above.
266. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

8.2 Overview and Purpose

Matters raised by submitters

267. Alliance Group (s121.083) and Silver Fern Farms (s40.062 and s40.063) support the Overview and Purpose and seek that it is retained as notified as it appropriately sets the context for the zone and correlates to Objectives UFD-08 and UFD-09. Silver Fern Farms (s40.063) supports the inclusion of the development area section as it alerts Plan users to the relevance of the Development Area Chapter for the South Gore Industrial area.
268. ES (s85.267) opposes in part the Overview and Purpose and seeks that it recognise that residual flood risk exists despite flood banks.

269. HWR Property (s108.006) supports in part the Overview and Purpose but seeks that sensitive activities are removed from the zone purpose altogether due to the potential for reverse sensitivity effects. The submitter considers that residential use should be non-complying within the GIZ with notification / neighbours approval required as part of any application for consent.
270. Alliance Group (FS27.021) and Silver Fern Farms (FS29.049) oppose HWR Property's submission (s108.006) and seek that it is disallowed on the basis that the overview correctly identifies that there is a need to contemplate sensitive activities within the zone and ancillary activities such as seasonal workers accommodation will not be subject to the same reverse sensitivity concerns.

Assessment

271. The support from Alliance Group (s121.083) and Silver Fern Farms (s40.062 and s40.063) is accepted and acknowledged.
272. In response to ES submissions (s85.267) to amend the Overview and Purpose of zone chapters I disagree with the submission as I do not consider the amendment is necessary. The chapter provisions generally do not relate to flood risk, and do not refer to this matter or stopbank protection in the Overview and Purpose. The potential flood hazard, and provisions in relation to development and stopbanks are within the district wide Natural Hazards chapter, as directed by the National Planning Standards, and are therefore more appropriately detailed in the overview of that chapter as required. The Natural Hazard Chapter contains an Overview and Purpose along with provisions relating to levels of risk from natural hazards including flood risk. I consider this to be the appropriate approach and note that the zone chapters should be read in conjunction with the Natural Hazards chapter.
273. In response to HWR Property (s108.006) the overview and purpose makes it clear that sensitive activities are discouraged within the zone and this aligns with the non-complying activity status for sensitive activities, other than very limited ancillary residential activities. The wording is considered sufficient to provide direction for plan users and decision makers regarding the intent and purpose of the zone and how sensitive activities may relate to that purpose. Therefore, the submission is rejected and the submissions from Alliance Group (FS27.021) and Silver Fern Farms (FS29.049) are accepted, although it is noted that the submission relating to seasonal workers accommodation is not accepted.

Recommendation

274. It is recommended that the Overview and Purpose be retained as notified.
275. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

8.3 Objective GIZ-O1

Matters raised by submitters

276. The following submitters support GIZ-O1 and seek that it is retained as notified with reasons a set out below:

Submission point	Submitter	Reason
s108.007	HWR Property	Support
s121.084	Alliance Group	The objective appropriately recognises the contribution of industry to community wellbeing
s40.064	Silver Fern Farms	The objective appropriately recognises the contribution of industry to community wellbeing

Assessment

277. The submissions from HWR Property (s108.007), Alliance Group (s121.084) and Silver Fern Farms (s40.064) are all in support of the objective and do not seek any amendments. This support is acknowledged and no amendments are recommended.

Recommendation

278. I recommend that GIZ-O1 is retained as notified.

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

8.4 Objective GIZ-O2

Matters raised by submitters

280. The following submitters support GIZ-O2 and seek that it is retained as notified with reasons as set out below:

Submission point	Submitter	Reason
s108.008	HWR Property	Support
s121.085	Alliance Group	The Objective is fundamental to the purpose and objectives that incompatible activities be prevented from locating in the General Industrial Zone.
s40.065	Silver Fern Farms	The Objective is fundamental to the purpose and objectives that incompatible activities be prevented from locating in the General Industrial Zone.

281. P & J Talbot (s12.001) oppose GIZ-O2 and seek that consent is sought from neighbouring properties before any industrial activities or businesses are developed and that reasonable

consideration needs to be given to non-industrial activities, incompatible activities and built forms adjacent to the zone.

282. Alliance Group (FS27.022 and FS29.050) oppose the submission from P & J Talbot (s12.001) and seek that it is disallowed on the basis that requiring written approval from adjoining landowners for any industrial activity would be overly onerous, inefficient and contrary to the purpose of the GIZ. The submitters note that the RMA provides notification pathways which will apply as appropriate to activities with more than minor potential adverse effects.

283. P & J Talbot (s12.033) also oppose GIZ-O2 on the basis that the proposed GIZ along Saleyard Road should be zoned Light Industrial. Silver Fern Farms (FS29.051) opposes P & J Talbot's submission (s12.033) and seeks that it is disallowed on the basis that the GIZ is in keeping with the operations in the area and a more logical approach than LIZ. Silver Fern Farms note that the zoning in the PDP is underpinned by detailed investigations of the need and supply for general industrial land, including the Gore Spatial Plan (2018) and the 2022 "Planning for Growth" report.

Assessment

284. The submissions from HWR Property (s108.008), Alliance Group (s121.085) and Silver Fern Farms (s40.065) are accepted and acknowledged and no changes required.

285. In response to the submission from P & J Talbot (s12.001) it is not considered appropriate that an objective should direct any requirements for notification, if the PDP were to include any direction on notification requirements or preclusions these should be identified in the relevant rule or standard as this is a more efficient and effective drafting standard. An objective provides an overarching direction to address an issue and is then given effect to through the policies, rules and standards.

286. Furthermore, the objective sets out the general purpose of the GIZ which is to enable industrial activities, a blanket requirement for neighbouring landowner approval would be contrary to that outcome and contrary the purpose of the zone. For these reasons the submission is not accepted and I agree with the further submission from Alliance Group (FS27.022 and FS29.050) that such a requirement would be unduly onerous, inefficient and ineffective.

287. In response to the submission from P & J Talbot (s12.033) the correlation between their submission on GIZ-O2 and zoning of land along Saleyard Road is unclear. The zoning of this land has been determined in order to provide for a range of industrial activities, a Light Industrial Zone provides for more limited industrial activities and so provision of both Light and General Industrial zoned land is necessary to provide for growth and a range of activities to service the needs of the community. Given the Silver Fern Farms activity and industrial zoning under the ODP I consider it appropriate that the land between the Racecourse and Saleyard Road be zoned General Industrial. The zoning is assessed within the Section 32 Report – Industrial Zones and also elsewhere within this report. Therefore, I agree with the further submission from Silver Fern Farms (FS29.051)

Recommendation

288. The submissions from HWR Property (s108.008), Alliance Group (s121.085) and Silver Fern Farms (s40.065) are accepted.

289. The submissions from P&J Talbot (s12.001 & s12.033) are rejected and the respective further submissions from Alliance Group (FS27.022 and FS29.050) and Silver Fern Farms (FS29.051) are accepted.

290. I recommend that GIZ-O12 is retained as notified for the reasons set out above.

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

8.5 Objective GIZ-O3

Matters raised by submitters

292. The following submitters support GIZ-O3 and seek that it is retained as notified with reasons as set out below:

Submission point	Submitter	Reason
s121.086	Alliance Group	The objective appropriately recognises the level of amenity appropriate to reflect that the purpose and function of the GIZ differs from other zones.
s40.066	Silver Fern Farms	The objective appropriately recognises the level of amenity appropriate to reflect that the purpose and function of the GIZ differs from other zones.

Assessment

293. The submissions from Alliance Group (s121.086) and Silver Fern Farms (s40.066) are in support of the objective and do not seek any amendments. This support is acknowledged, and no amendments are recommended.

Recommendation

294. I recommend that GIZ-O3 is retained as notified.

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

8.6 Objective GIZ-O4

Matters raised by submitters

296. Alliance Group (s121.087) and Silver Fern Farms (s40.067) both support GIZ-O4 and seek that it is retained as notified. The submitters acknowledge that the management of adverse effects on Ngāi Tahu cultural values is appropriate and supported in the context of the GIZ providing a location for activities with adverse effects that are inappropriate to locate elsewhere.

Assessment

297. The submissions from Alliance Group (s121.087) and Silver Fern Farms (s40.067) are acknowledged and accepted.

Recommendation

298. For the reasons given above I recommend GIZ-O4 is retained as notified with no amendments.

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

8.7 Policy GIZ-P1

Matters raised by submitters

300. The following submitters support GIZ-P1 and seek that it is retained as notified with reasons as set out below:

Submission point	Submitter	Reason
s108.009	HWR Property	No reason given
s121.088	Alliance Group	Consider it is critical to "enable" industrial activities and is appropriate to "enable" a limited range of non-industrial activities (subject to their compatibility with the zone purpose) in the GIZ.
s40.068	Silver Fern Farms	Consider it is critical to "enable" industrial activities and is appropriate to "enable" a limited range of non-industrial activities (subject to their compatibility with the zone purpose) in the GIZ.

301. However, Silver Fern Farms (s40.068) and Alliance Group (s121.088) identify a typo in the form of a full stop in the middle of the policy and seek that this is corrected.

Assessment

302. The submissions in support from HWR Property (s108.009), Alliance Group (s121.088) and Silver Fern Farms (s40.068) are acknowledged and accepted. I agree that the typo should be

corrected and recommend the full stop within the policy (after “emergency services facilities” be deleted.

Recommendation

303. I recommend that GIZ-P1 is retained as notified other than the typo correction as follows:

Enable a range of light and general *industrial activities*, as well as *service stations, trade and industry training facilities* and *emergency service facilities* which support the purpose of the General Industrial zone.

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

8.8 Policy GIZ-P2

Matters raised by submitters

305. Alliance Group (s121.089) and Silver Fern Farms (s40.069) both support GIZ-P2 and seek that it is retained as notified. The submitters acknowledge that It is appropriate to "provide for" (but not "enable" in the same manner as GIZ-P1) compatible activities in the General Industrial Zone.

306. P & J Talbot (s12.005) oppose in part GIZ-P2 and seek that properties adjacent to the GIZ are consulted with as part of the consenting process for any development to ensure that adverse effects, including pollution, noise, light and traffic are mitigated.

307. Alliance Group (FS27.023) and Silver Fern Farms (FS29.052) oppose the submission from P & J Talbot (s12.005) on the basis that that requiring written approval from adjoining landowners for any industrial activity would be overly onerous, inefficient and contrary to the purpose of the GIZ. The submitters note that the RMA provides notification pathways which will apply as appropriate to activities with more than minor potential adverse effects.

Assessment

308. The support from Alliance Group (s121.089) and Silver Fern Farms (s40.069) is acknowledged and accepted and no amendments proposed.

309. In response to the submission from P & J Talbot (s12.005) as noted elsewhere in this report in response to the submitters submission on GIZ-O2 I consider it inappropriate that a policy should specify any notification requirements. Furthermore, the performance standards included within the GIZ Chapter along with requirements in the Noise, Light and Transport Chapter will manage the effects of activities. Where activities do not comply with permitted activity standards a resource consent process will be required and decision makers will be able to consider affected parties in accordance with Sections 95A, 95B, 95D and 95E. In this regard I agree with the further submissions from Alliance Group (FS27.023) and Silver Fern Farms

(FS29.052) that a blanket requirement for notification would be unduly onerous, ineffective and inefficient as well as being contrary to the purpose of the zone.

Recommendation

310. I recommend that GIZ-P2 is retained as notified.

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

8.9 Policy GIZ-P3

Matters raised by submitters

312. Transpower (s101.088) opposes GIZ-P3 and seeks that it is amended as follows:

Avoid non-industrial activities from establishing unless:

1. there is a functional or operational need for their location amongst industrial activities; and
2. the activity is of a similar scale and nature to an industrial activity; or
3. the activity is providing for the day-to-day needs of people and activities within the industrial zone; or
4. the activity is ancillary to an industrial activity; or
5. the activity is critical infrastructure

313. The submitter considers that the policy has the potential to prevent the upgrade and development of the National Grid in the GIZ because there is a requirement to 'avoid' non-industrial activities. The submitter also considers that the National Grid is an appropriate activity in the GIZ that should not be hindered by a policy direction that suggests otherwise. In this regard, Transpower considers that expression in this Policy does not give effect to the NPSET or the SRPS and therefore, seeks an amendment to ensure the policy clearly provides an exemption from the 'avoid' direction for critical infrastructure.

314. Alliance Group (s121.090), Silver Fern Farms (s40.070) support GIZ-P3 and seek that it is retained as notified on the basis that it appropriately implements GIZ-O1, GIZ-O2, UFD-O8 and UFD-O9 and in conjunction with GIZ-P4 will be key to the successful operation of the GIZ.

315. MOE (s125.077 and s125.078) supports in part GIZ-P3 but seeks the following amendments to refer to the need to establish in the zone as opposed to “amongst industrial activities”:

Avoid non-industrial activities from establishing unless:

1. there is a functional or operational need for their location ~~amongst industrial activities~~ in the zone; and
2. the activity is of a similar scale and nature to an industrial activity; or
3. the activity is providing for the day-to-day needs of people and activities within the industrial zone; or
4. the activity is ancillary to an industrial activity.

316. P & J Talbot (s12.006) oppose the policy and seek equal opportunity for non-industrial activities to establish within the zone as businesses are not the only ones who may benefit from the location, for example, non-profit organizations, sports groups and clubs. Alliance Group (FS27.024) and Silver Fern Farms (FS29.054) oppose the submission from P & J Talbot (s12.006) and seek that it is disallowed on the basis that providing for other activities would defeat the purpose of the zone and presents a significant risk of reverse sensitivity effects arising.

317. HWR Property (s108.010) supports in part GIZ-P3 and seeks an amendment to remove residential activities from the ancillary activities that can establish in the zone to allow for the purpose of the zone to be enabled without reverse sensitivity effects from residential activities. HWR Property seek the following amendment to GIZ-P3(4):

4. other than residential activity, the activity is ancillary to an industrial activity.

318. Silver Fern Farms (FS29.053) opposes the submission from HWR Property (s108.010) and seeks that it is disallowed because there should be a limited allowance for residential activity ancillary to the primary industrial activities and the provision as notified provides for this.

Assessment

319. In response to Transpower (s101.088) I note that in his Supplementary Evidence for Hearing Stream 1 Mr Heale recommended amendments to Urban Form and Development Objective UFD-O8 to specifically recognise and provide for critical infrastructure. Whilst GIZ-P3(1) does provide for activities which have a functional or operational need to locate within the GIZ it is not explicit as to what activities may have a functional or operational need to be within the zone. Case law¹⁵ has identified that the “can only occur” language within the definition of functional need¹⁶ sets a high bar. As far as I am aware the meaning of operational need¹⁷ has not yet been tested in the courts and the term allows a low bar. However, I agree that National Grid would be an activity which is appropriate in the GIZ and furthermore, the other activities included in the definition of critical infrastructure¹⁸ may also be appropriate within the GIZ.

320. For these reasons I accept the Transpower submission (s101.088) and agree that GIZ-P3 should be amended as follows:

¹⁵ *Poutama Kaitiaki Charitable Trust v Taranaki Regional Council* [2022] NZHC 629.

¹⁶ Gore PDP – Part 1 - Interpretation -Functional need means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.

¹⁷ Gore PDP – Part 1 - Interpretation Operational need means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.

¹⁸ Gore PDP – Part 1 – Interpretation - critical infrastructure means those necessary facilities, services, and installations which are critical or of significance to either New Zealand, Southland, or Gore. This may include but is not limited to: • strategic land transport network and arterial roads; • rail corridor; • telecommunication facilities; • national, regional and local renewable electricity generation activities of any scale; • the electricity transmission network (the National Grid); • sewage collection, treatment and disposal networks; • community land drainage infrastructure; • community potable water systems; • established community-scale irrigation and stock water infrastructure; • transport hubs and bulk fuel supply infrastructure including terminals and pipelines.

Avoid non-industrial activities from establishing unless:

1. there is a functional or operational need for their location amongst industrial activities; and
2. the activity is of a similar scale and nature to an industrial activity; or
3. the activity is providing for the day-to-day needs of people and activities within the industrial zone; or
4. the activity is ancillary to an industrial activity; or
5. the activity is critical infrastructure

321. The support from Alliance Group (s121.090), Silver Fern Farms (s40.070) is acknowledged and accepted.

322. In response to MOE (s125.077 and s125.078) I acknowledge the wording “in the zone” may achieve the same purpose and outcome as the notified wording and has a more concise approach. The amended wording sought by MOE also reflects those activities other than industrial activities, such as service stations are enabled within the GIZ. Therefore, I accept the submission and recommend the following amendment:

Avoid non-*industrial activities* from establishing unless:

1. there is a functional or *operational need* for their location ~~amongst industrial activities~~ in the General Industrial Zone; and.....

323. In response to P & J Talbot (s12.006) the purpose of the GIZ is to enable industrial activities. As sensitive activities may result in reverse sensitivity effects that compromise the efficient use of industrial sites it is not appropriate to enable activities which are sensitive to the effects generated by industrial activities. The general approach to the PDP is to enable sensitive activities in zones such as the Residential zones and discourage industrial activities in those zones, then to enable industrial activities in industrial zones but discourage sensitive activities. In this manner the PDP manages adverse effects and ensures that activities are enabled without being unduly compromised due to reverse sensitivity effects.

324. Sports groups and clubs are more appropriately located in other zones such as the Sport and Active Recreation Zone, other businesses which are not enabled in the GIZ could seek resource consent and if it was particularly compatible or had a particular need to be in the GIZ consent may be granted. I agree with the further submissions from Alliance Group (FS27.024) and Silver Fern Farms (FS29.054) that allowing sensitive activities would be contrary to the purpose of the zone and result in reverse sensitivity effects.

325. In response to HWR Property (s108.010) I disagree with the proposed amendment sought, the GIZ does allow for small scale residential activities for limited occupancy purposes¹⁹ and so GIZ-P3(4) is relevant for this provision. Furthermore, in my opinion the amended wording creates confusion as to whether residential activities should be avoided or not. Therefore,

¹⁹ GIZ-R9 Permits Residential Activities which are ancillary to an industrial activity and occupied by a caretaker, security personnel or for temporary accommodation for a person associated with the industrial activity. The size of the unit is limited to one bedroom and the unit must be acoustically treated in accordance with NOISE-S3.

given some limited residential activity is enabled as an ancillary activity I do not consider it appropriate to amend the policy as sought by the submitter and so reject their submission. I accept the further submission from Silver Fern Farms (FS29.053).

Recommendation

326. For the reasons outlined above I recommend an amendment to GIZ-P3 as follows:

Avoid non-*industrial activities* from establishing unless:

1. there is a functional or *operational need* for their location ~~amongst industrial activities in the General Industrial Zone~~; and
2. the activity is of a similar scale and nature to an industrial activity; or
3. the activity is providing for the day-to-day needs of people and activities within the industrial zone; or
4. the activity is ancillary to an industrial activity; or
5. the activity is critical infrastructure.

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

Section 32AA Evaluation

328. The following evaluates the recommendation to amend GIZ-P3 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

Costs and benefits

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

Risk of acting or not acting

There is the potential for confusion in relation to whether activities should be avoided if they are located amongst activities that are not 'industrial activities' but are enabled within the zone if the proposed amendment is not made.

Conclusion as to the most appropriate option

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

8.10 Policy GIZ-P4

Matters raised by submitters

329. The following submitters support GIZ-P4 and seek that it is retained as notified with reasons as set out below:

Submission point	Submitter	Reason
s108.011	HWR Property	The policy is supported because it supports the avoidance of residential activities within the GIZ.
s121.091	Alliance Group	The policy appropriately implements GIZ-O1, GIZ-O2, UFD-O8 and UFD-O9 and in conjunction with GIZ-P3 will be key to the successful operation of the GIZ.
s40.071	Silver Fern Farms	The policy appropriately implements GIZ-O1, GIZ-O2, UFD-O8 and UFD-O9 and in conjunction with GIZ-P3 will be key to the successful operation of the GIZ.
s132.232	KiwiRail	The policy recognises the need to avoid activities that may result in conflict and / or potential reverse sensitivity effects with existing or anticipated industrial activities.

330. P & J Talbot (s12.007) opposes in part GIZ-P4 and seek further clarification as the policy is not fully understood.

Assessment

331. The submissions from HWR Property (s108.011), Alliance Group (s121.091), Silver Fern Farms (s40.071) and KiwiRail (s132.232) are all in support of the policy and do not seek any amendments. This support is acknowledged.

332. In response to P & J Talbot (s12.007) it is unclear what is not understood regarding the policy. The policy seeks to provide direction on the types of activities which would be inappropriate within the GIZ and is given effect to by the rule framework which enables compatible activities, including industrial and activities which are ancillary to them but seeks to avoid activities like fine grain retail or sensitive activities which are not associated with an industrial activity from establishing within the zone. The PDP drafting style has been developed to include avoid policies to align with non-complying activities²⁰ and the policy provides Plan users and decision makers with clear direction when considering whether any activity is appropriate or not.

²⁰ Hearing Stream 1 – Section 42A Report: Introduction, General Provisions and Strategic Direction, paragraphs 169-178

Recommendation

333. I recommend that GIZ-P4 is retained as notified for the reasons provided above.

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

8.11 Policy GIZ-P5

Matters raised by submitters

335. Alliance Group (s121.092) and Silver Fern Farms (s40.072) support the policy and seek that it is retained as notified as they consider it is appropriate that the expectations for amenity in and on the boundaries of the GIZ are consistent with the zone's purpose.

336. P & J Talbot (s12.008) oppose in part the policy and consider that the screening may not be sufficient to mitigate noise, visual impact, light, traffic, dust, fumes and security issues and as such the screening should be extended to address adverse effects on private properties. Furthermore, the submitter seeks that consultation with adjacent properties in relation to screening should be undertaken. HWR Property (FS7.3), Alliance Group (FS27.025) and Silver Fern Farms (FS29.056) oppose the submission from P & J Talbot (s12.008) and seek that it is disallowed.

337. Both Alliance Group (FS27.025) and Silver Fern Farms (FS29.056) consider that requiring approval from adjoining landowners through the PDP would be overly onerous and contrary to the purpose of the zone. Alliance and Silver Fern Farms state that the PDP as notified provides appropriate screening requirements (GIZ-S7). Notification and limited notification procedures are set out in the RMA and will apply as appropriate to proposals with more than minor potential adverse effects.

338. HWR Property (FS7.3) consider that Industrial activities must be enabled to establish and operate within the specified zone and that the policy is sufficient to manage effects at zone interfaces.

339. KiwiRail Holdings (s132.233) generally seeks the policy but seeks that it is amended as follows to ensure that the ongoing safe and efficient operation of the rail network can continue to operate and develop into the future:

Require a level of on-site amenity, particularly at some interfaces, consistent with the purpose of the zone by:

...5. requiring appropriate setbacks from the rail network that do not impede on its safe, efficient operation.

340. Alliance Group (FS27.026) and Silver Fern Farms (FS29.057) oppose the submission from KiwiRail Holdings (s132.233) and seek that it is disallowed. Both further submitters consider

that there is no clear effects-based need for a setback to the rail lines and to impose one would not represent an efficient use of land zoned for industrial purposes.

Assessment

341. The support from Alliance Group (s121.092) and Silver Fern Farms (s40.072) is acknowledged and accepted.
342. In response to P & J Talbot (s12.008) the policy provides direction on how on-site amenity should be managed and how off-site amenity at zone interfaces should be managed. This policy is then given effect to through the performance standards. However, other Chapters such as Light and Noise will manage effects of light spill and noise generation. As noted elsewhere in this report I do not consider it appropriate that a policy provide any direction on notification and I consider that the policy provides sufficient direction to ensure adverse effects are mitigated through the permitted activity performance standards and to guide decision makers and plan users when a resource consent is sought. I therefore, reject the submission and accept the further submissions from HWR Property (FS7.3), Alliance Group (FS27.025) and Silver Fern Farms (FS29.056).
343. In response to KiwiRail Holdings (s132.233) a similar submission (s132.198) was made on MUZ-P2 and addressed in the Commercial Centres and Mixed Use Section 42A report²¹. I consider the same assessment to be relevant to this submission and consider that Transport Policies TRANS-P9, TRANS-P10 and TRANS-P11 are sufficient to achieve the outcome sought by KiwiRail in their submission (s132.233). I note that in their evidence for Hearing Stream 2 KiwiRail agreed with the Section 42A assessment on their submission on MUZ-P2 and did not seek any further amendments.²²
344. Although I do recommend that a standard requiring a setback to the rail corridor is now included in the GIZ and LIZ I remain of the view and the policies within the Transport Chapter will provide sufficient policy guidance in the event resource consent is required for a breach of the setback. I note this will be the approach in the Commercial and Mixed Use Zones also as no new policies are proposed despite the introduction of a setback standard for those zones.
345. Overall, I do not consider it appropriate that GIZ-P5 is amended as requested on the basis that there are other policies in the PDP Transport Chapter which more appropriately achieve the intent sought by the amendments. I therefore reject the submission from KiwiRail (s132.233) and accept the further submissions from Alliance Group (FS27.026) and Silver Fern Farms (FS29.057).

²¹ Commercial Centres and Mixed Use Zones Section 42A Report page 57 paras. 236-241

²² Primary statement of evidence of Louise Taylor for KiwiRail dated 10 June 2024 page 7 paras 7.0 - 7.4

Recommendation

346. For the reasons give above I do not recommend any amendments to GIZ-P5, other than those recommended and assessed elsewhere in this report.

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

8.12 Policy GIZ-P6

Matters raised by submitters

348. P & J Talbot (s12.009) oppose policy GIZ-P6 as they consider that reserve land should not be developed, and existing land should be used instead. The submitter considers that reserve land should only be used for enhancing purposes e.g. tree planning, protecting / improving waterways or wetlands etc.

Assessment

349. In response to the submission from P & J Talbot (s12.009) the intent of the policy is not to allow for reserve land to be developed but enable the use of reserve land in accordance with a Reserve Management Plan and to align with Rule GIZ-R10.²³ Reserve land is managed by the Council if they wish to undertake an activity / development on reserve land and it is not in accordance with the Reserve Management Plan resource consent will be required, furthermore, amendments to a Reserve Management Plan require community consultation and engagement. I consider that the policy is appropriate to enable to ongoing use of reserve land rather than have the land caught by the general rules within the GIZ.

Recommendation

350. For the reasons outlined above I reject the submission from P & J Talbot (s12.009).

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

8.13 Rules GIZ-R1, GIZ-R2, GIZ-R3, GIZ-R4 and GIZ-R5

Matters raised by submitters

352. The following submitters support GIZ-R1, GIZ-R2, GIZ-R3, GIZ-R4 and GIZ-R5 and seek that it is retained as notified with reasons as set out below:

²³ GIZ-R10 Use of Reserve Land is permitted where 1. All land use activities in areas administered under the Reserves Act 1977 are permitted where they comply with a Management Plan that has been approved by the Minister under that Act.

Submission point	Submitter	Reason
s108.012 (GIZ-R1) s108.013 (GIZ-R2) s108.014 (GIZ-R3) s108.015 (GIZ-R4) s108.016 (GIZ-R5)	HWR Property	Supports the intentions for the GIZ
s121.093 (GIZ-R1) s121.094 (GIZ-R2) s121.095 (GIZ-R3) s121.096 (GIZ-R4) s121.097 (GIZ-R5)	Alliance Group	Considers that the rule framework is efficient and notes that an activity that is not a 'significant hazardous facility' would be permitted subject to compliance with the specified standards. The submitter provides the example of constructing a new industrial building on their site and assume that even though there is an existing 'significant hazardous facility' does not mean GIZ-R1(2) would be breached and a discretionary activity pathway applicable if the building itself is not a 'significant hazardous facility'. The submitter assumes that a permitted status is the intended outcome, given the focus in the Hazardous Substances Chapter on untangling extensions or upgrades to "significant hazardous facility" from consenting requirements in cases where the extension/upgrade does not change the risk profile of the facility (see HAZS-R1).
s40.073 (GIZ-R1) s40.074 (GIZ-R2) s40.075 (GIZ-R3) s40.076 (GIZ-R4) s40.077 (GIZ-R5)	Silver Fern Farms	The submitter cites the same reason as Alliance Group but notes support for a discretionary consenting status for a breach of GIZ-R1.

353. P & J Talbot (s12.010) oppose GIZ-R2 as the activity should be prohibited on sites that border private property to protect privacy, security, tranquillity, environmental benefits and aesthetics of rural lifestyle blocks. Silver Fern Farms (FS29.064) oppose the submission and seek that it is disallowed. Silver Fern Farms considers that a prohibited activity classification would defeat the purpose of the zone and that appropriate controls are specified in the notification standards.

354. P & J Talbot (s12.011) oppose in part GIZ-R3 and seek that training facilities are setback 500 metres from private properties to protect the reasons people live on rural lifestyle blocks - tranquillity, aesthetics, environmental benefits, security and lifestyle. Silver Fern Farms (FS29.065) oppose the submission and seek that it is disallowed. Silver Fern Farms considers that the setback requirement would defeat the purpose of the zone and that there is no reasonably foreseeable effects for such a measure and appropriate controls are specified in the notified standards.

355. P & J Talbot (s12.012) oppose GIZ-R4 on the basis that they do not want any more service stations in the Gore District and that service stations will create significant negative effects on surrounding properties. HWR Property (FS7.5) oppose the submission and seek that it is disallowed on the basis that service stations are a necessary service provided to the community.

356. FENZ (s124.256) support GIZ-R5 and seek that it is retained as notified.

Assessment

357. The submissions from HWR Property (s108.012, s108.013, s108.014, s108.015, s108.016), Alliance Group (s121.093, s121.094, s121.095, s121.096, s121.097), Silver Fern Farms (s40.073, s40.074, s40.075, s40.076, s40.077) and FENZ (s124.256) are acknowledged and accepted.

358. In response to P & J Talbot (s12.010, s12.011 & s12.012) and their opposition for GIZ-R2, GIZ-R3 and GIZ-R4 I consider that the performance standards in the PDP will adequately manage adverse effects on adjoining landowners. A setback distance of 500 metres would be too onerous and result in an inefficient use of urban land.

359. A prohibit activity would mean people cannot even seek resource consent for industrial activities on those sites bordering private property, given this would extend to any site not owned by the landowner (both within and outside of the GIZ) it would have the effect of rendering land useless and undevelopable for industrial activities which would be entirely contrary to the purpose of the GIZ.

360. Furthermore, Service stations provide a necessary service to the community and are appropriately located in an urban industrial zone. The effects of this activity can be managed through the performance standards and other legislation such as the Hazardous Substances and New Organisms Act 1996 (HSNO) which manages the storage of hazardous substances. For these reasons the submissions are rejected and the further submissions from Silver Fern Farms (FS29.064 & FS29.065) and HWR Property (FS7.5) are accepted.

Recommendation

361. For the reasons given above I do not recommend any amendments to Rules GIZ-R1, GIZ-R2, GIZ-R3, GIZ-R4 and GIZ-R5 in response to the submissions.

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

8.14 Rules GIZ-R6, GIZ-R7, GIZ-R8

Matters raised by submitters

363. Alliance Group (s121.098, s121.099 & s121.100) and Silver Fern Farms (s40.078, s40.079 & s40.080) support GIZ-R6, GIZ-R7 and GIZ-R8 and seek that they are retained as notified because

the rules provide an appropriate management framework for retail activities, food and beverage activities and offices respectively.

364. P & J Talbot (s12.013) oppose in part GIZ-R6 and seek to increase the distance to boundary for stored items with no storage allowed for reasons of convenience only i.e. car bodies, used building materials, hazardous liquids, gases and products. This is because storage has a visual impact on neighbouring properties. Silver Fern Farm (FS29.073) opposes the submission from P & J Talbot (s12.013) and seeks that it is disallowed because it would counter to the purpose of the zone and appropriate controls are specified within the notified standards.

365. HWR Property (s108.017) supports GIZ-R7 and seeks that it is retained as notified because it supports the function of the GIZ.

366. P & J Talbot (s12.016) opposes in part GIZ-R7 and seeks that food and beverage activities are setback 1000m from adjacent properties with no 24/7 activities and activities limited to normal working hours. The submitter considers that food and beverage activities can have high people and traffic effects, generate unpleasant smells and attract undesirable people into a private/secure area.

Assessment

367. The support from Alliance Group (s121.098, s121.099 & s121.100), Silver Fern Farms (s40.078, s40.079 & s40.080) and HWR Property (s108.017) is acknowledged and accepted.

368. In response to the submission from P & J Talbot (s12.013 & s12.016) there are no boundary setbacks for stored items only buildings and structures. However, standard GIZ-S7 requires that sites are screened where they adjoin Residential or Rural zones and there are requirements on the type of screening. Furthermore, GIZ-S8 requires that outdoor storage areas are screened from any adjoining rural or residential zoned site, public road or other public space. These standards will ensure that storage of outdoor material does not adversely affect the amenity value of adjoining landowners. Storage of chemicals and hazardous substances is controlled via HSNO and District Plans should manage other effects associated with hazardous substances which may not be covered by HSNO. The Section 32 Report – Hazardous Substances provides further information and assessment on the PDP provisions for hazardous substances.

369. It is unclear why the submitter considers a 100 metre setback necessary for food and beverage activities. In the GIZ food and beverage activities are limited to small scale operations and so adverse effects are likely to be limited. The GIZ does not enable larger restaurants or bars, only take away facilities. It is not considered necessary to limit the opening hours for food and beverage activities as there are no limits on other activities and the purpose of the zone is for urban industrial activities and therefore the level of amenity anticipated within the zone reflects that purpose with the performance standards managing adverse effects on sites outside the GIZ. Traffic effects are managed through the Transport Chapter and I note Rule TRANS-R4 has a limit on vehicle movements which may be generated from a site as a permitted activity. For these reasons it is recommended reject the submission from P & J Talbot (s12.013 & s12.016).

Recommendation

370. For the reasons detailed above it is not recommended that there are any amendments to Rules GIZ-R6, GIZ-R7, GIZ-R8 to respond to the above submissions.
371. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

8.15 Rule GIZ-R9

Matters raised by submitters

372. Alliance Group (s121.101) and Silver Fern Farms (s40.081) support GIZ-R9 and seek that it is retained as notified because the rule provides a suitable exception for caretaker dwelling and otherwise applies an appropriately restrictive (non-complying) management framework for residential activities.
373. HWR Property (s108.018) opposes GIZ-R9 and seeks that the rule is removed or has a non-complying activity status. The submitter considers that residential activities in the GIZ are highly likely to result in reverse sensitivity effects and create conflict with activities that have a functional need to locate in the one. Residential activities are considered incompatible with the GIZ and are better located in zones which do not experience high levels of noise, dust, odour etc.
374. Silver Fern Farms (FS29.074) opposes the submission from HWR Property (s108.018) and seeks that it is disallowed on the basis that the rule provides a suitable exception for caretaker dwellings and otherwise applies an appropriately restrictive (non-complying) management framework for residential activities.
375. KiwiRail (s132.234) seeks an amendment to reference a new noise standard they are seeking to include in the Noise Chapter, their submission included details of the new standard:

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

Assessment

376. The support from Alliance Group (s121.101) and Silver Fern Farms (s40.081) is acknowledged and accepted.
377. In response to HWR Property (s108.018) whilst I agree that general residential activities would not be appropriate in the GIZ due to the potential for reverse sensitivity effects and to ensure that industrial land is retained for the purposes identified in the GIZ Chapter. However, I consider it appropriate to allow for some very limited residential activities as provided for in GIZ-R9. There are times when industrial activities may need security personnel or a caretaker to be present on site, or situations where late night deliveries mean truck drivers need a place to stay. Allowing for a small scale residential activity which is directly associated with the industrial activity provides for these situations and reduces risks of reverse sensitivity because

those residing on site will be associated with the activity and are only residing on a limited or temporary basis. The submission is therefore rejected and the further submission from Silver Fern Farms (FS29.074) is accepted.

378. In response to KiwiRail (s132.234) consideration of a new standard in the Noise Chapter will be part of Hearing Stream 6, therefore it is appropriate to defer consideration of this submission (which is a consequential amendment) to that hearing stream.

Recommendation

379. For the reasons given above I do not recommend any amendments to GIZ-R9 to respond to the above submissions.

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

8.16 Rule GIZ-R12

Matters raised by submitters

381. The following submitters support GIZ-R12 and seek that it is retained as notified with reasons as set out below:

Submission point	Submitter	Reason
s108.019	HWR Property	Supports all other activities being non-complying in the GIZ.
s121.102	Alliance Group	Considers it is appropriate to restrict encroachment by non-industrial activities into the GIZ by way of a non-complying activity status.
s40.082	Silver Fern Farms	Considers it is appropriate to restrict encroachment by non-industrial activities into the GIZ by way of a non-complying activity status.

Assessment and Recommendation

382. The submitters support GIZ-R12 and seek that it is retained as notified, I accept these submissions and do not consider any amendments necessary to GIZ-R12. It is therefore recommended that the submissions are accepted as shown in **Appendix B**.

8.17 Standard GIZ-S1

Matters raised by submitters

383. The following submitters support GIZ-S1 and seek that it is retained as notified with reasons as set out below:

Submission point	Submitter	Reason
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s108.020	HWR Property	No reason provided
s121.104	Alliance Group	Considers that the 15 m permitted height allowance, with a restricted discretionary status for higher structures, is a reasonably consistent framework with what is provided in other district plans
s40.084	Silver Fern Farms	Considers that the 15 m permitted height allowance, with a restricted discretionary status for higher structures, is a reasonably consistent framework with what is provided in other district plans
S124.257	FENZ	Supports the provision of emergency service facilities as a permitted activity (GIZ-R5) and support the standard for height as Fire stations are typically single storied buildings of approximately 8-9m whilst emergency service towers or communication poles are between 12-15m in height which would comply with the standard.

384. P & J Talbot (s12.018) oppose in part GIZ-S1 and consider that ground level should be measured prior to any "building up" of the site and surrounding properties should be consulted with to approve all build designs and dimensions. Site profiles should be set (build footprint and height) for better understanding of scale to protect the aesthetic, shading impacts and property values. Silver Fern Farms (FS29.076) opposes the submission from P & J Talbot (s12.018) and seeks that it is disallowed because appropriate consultation and notification requirements are included in the PDP as notified and appropriate controls are specified in the standards.

Assessment

385. The submissions from HWR Property (s108.020), Alliance Group (s121.104), Silver Fern Farms (s40.084) and FENZ (s124.257) are acknowledged and accepted.

386. In response to P & J Talbot (s12.018) the PDP includes a definition of 'ground level' as follows, the definition is the same as the National Planning Standards:

(a) the actual finished surface level of the ground after the most recent subdivision that created at least one additional allotment was completed (when the record of title is created);

(b) if the ground level cannot be identified under paragraph (a), the existing surface level of the ground;

(c) if, in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the boundary, the level on the exterior surface of the retaining wall or retaining structure where it intersects the boundary.

387. This definition makes it clear how ground level in relation to height is determined. In relation to notification of surrounding properties the control of building height is one mechanism to protect adjoining landowners, height in relation to boundary and setbacks are used in combination with height limits to manage adverse effects on sites outside of the GIZ where there may be more sensitive activities, for example Residential and Rural zoned sites.

388. The PDP height limit of 15m in the GIZ is the same as the ODP height limit and is considered appropriate to provide for industrial activities which generally have larger buildings. If resource consent is sought to exceed the 15m height then the processing officer will undertake an assessment of adverse effects on surrounding landowners in accordance with Section 95E of the RMA. There is no preclusion to notification in the standard and therefore if adverse effects are determined to be minor or more than minor on adjoining landowners limited notification would be recommended. Resource consent applications are typically supported by detailed site plans which would be sufficient for the processing officer to determine the scale and impacts of any building which exceeded the permitted height limit. The PDP height limit is therefore considered appropriate and the submission rejected and the further submission from Silver Fern Farms (FS29.076) accepted.

Recommendation

389. For the reasons outlined above it is not recommended that there are any amendments to GIZ-S1 and it is recommended that the standard is retained as notified.

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

8.18 Standard GIZ-S2

Matters raised by submitters

391. HWR Property (s108.021) supports GIZ-S2 and seeks that it is retained as notified.

392. P & J Talbot (s12.022) oppose in part GIZ-S2 and seek to include rural lifestyle in GIZ-S2(1)(a) to provide better clarity as to which side of a right of way as in build side / private property side is applied because rural lifestyle will also be impacted. Silver Fern Farms (FS29.077) and Alliance Group (FS29.028) both oppose the submission from P & J Talbot (s12.022) and seek that it is disallowed because the notified standard is considered appropriate.

Assessment and Recommendation

393. The support from HWR Property (s108.021) is acknowledged and accepted.

394. In response to the submission from P & J Talbot (s12.022) I agree that the Rural Lifestyle Zone should be included in GIZ-S2(1)(a), this will ensure the standard is consistent with other rules and standards which seek to manage amenity values in relation to sites with more sensitive activities, this would include the Rural Lifestyle Zone.

395. However, I do not consider clarification is required as to which site of a right of way the measurement is taken is required. The standard requires the measurement be taken at a site boundary and the PDP includes a definition of boundary as follows:

Means any boundary of the net site area. Site boundary shall have the same meaning as boundary. Internal boundary means any boundary of the net area of a site other than a road boundary. Road boundary means any boundary of a site abutting a legal road, other than an accessway or service lane, or contiguous to a boundary of a road designation. See also notional boundary.

396. Net site area is defined as follows:

means the total area of the site, but excludes:

(a) any part of the site that provides legal access to another site;

(b) any part of a rear site that provides legal access to that site;

(c) any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981.

397. Supported by the definitions the standard is clear where the height in relation to boundary should be calculated.

Recommendation

398. For the reasons given above I recommend the following amendment:

1. No part of any building or structure projects beyond the height in relation to boundary plane, measured from points 2.6 metres above ground level at site boundaries where that *boundary* adjoins a site:
 - (a) Zoned General Residential, Medium Density Residential, Large Lot Residential, Rural Lifestyle Zone or Māori Purpose Zone.....

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

Section 32AA Evaluation

400. The following evaluates the recommendation to amend GIZ-S2 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner and ensure that amenity values are effectively and efficiently maintained at adjoining Rural Lifestyle Zones, particularly considering the Gore South Development Area adjoins the Rural Lifestyle Zone.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal noting that there are other boundary controls such as setbacks which also manage effects.

Risk of acting or not acting

There is the potential for undue shading and reduced level of amenity value for properties within the Rural Lifestyle Zone if the proposed amendment is not made.

Conclusion as to the most appropriate option

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

8.19 Standard GIZ-S3

Matters raised by submitters

401. HWR Property (s108.022) opposes GIZ-S3 and seeks that the standard is amended to require a minimum 2 metre setback where the boundary adjoins a site not within the GIZ or LIZ because a 5 metre (10 metre to Rural Lifestyle Zone) is considered excessive and will mean sites cannot be efficiently utilised. A 2 metre setback is considered sufficient to comply with the height recession planes in GIZ-S2 and will provide sufficient setbacks for sites in more sensitive zones without compromising the ability to operate in the GIZ.
402. FENZ (s124.258) support GIZ-S3 and seek that it is retained. FENZ particularly supports the road boundary setback and considers that a 2 metre setback will not increase civil costs, land parcel size or fire separation issues at the rear boundary. The setbacks support FENZ's logistical and operational requirements.
403. P & J Talbot (s12.024) oppose GIZ-S3 and seek an increase in the setback distance of buildings to the full height of the building and a minimum of 15 metres with no reduction in setbacks permitted. This will allow for sufficient screening, landscaping, green strip and security fencing etc. HWR Property (FS7.6) opposes the submission from P & J Talbot (s12.024) and seeks that it is disallowed because they oppose the existing setback requirement under GIZ-S3 and a setback of 15 metres would result in sites that are underutilised leading to considerable areas of 'dead' land within the zone. Alliance Group (FS27.029) and Silver Fern Farms (FS29.078) also oppose the submission from P & J Talbot (s12.024) and seek that it is disallowed because the notified standard is considered appropriate.

Assessment

404. The support from FENZ (s124.258) is acknowledged and accepted.

405. In response to HWR Property (s108.022) I consider a 5m setback to sites not within the GIZ or LIZ and a 10m setback to sites within the Rural Lifestyle Zone to be appropriate to maintain amenity values. As a larger building height is permitted it is important to ensure that building setbacks are an appropriate distance to avoid adverse effects not just from the building but from activities undertaken within the building.

406. I note that in some areas (i.e. along Charlton Road) the GIZ borders the General Residential Zone (GRZ) and as sites in the GRZ are smaller and residential activities are more sensitive the effects of industrial activities a 2 metre setback would be insufficient to mitigate the effects of industrial activities. I consider it important that adverse effects are mitigated and internalised within the GIZ sites which are typically larger and generators of greater noise and activity than a residential or rural lifestyle site. I acknowledge the setback may result in some areas of a site which has a more limited use, however, looking at the planning maps there are relatively few areas and sites where this would be an issue and I note that many industrial activities have outdoor storage area requirements which could utilise the setback area. Overall, I consider the 5 metre setback to be an appropriate balance between maintaining and managing amenity values for sites in zones other than GIZ or LIZ and ensuring an efficient use of industrial land.

407. In response to P & J Talbot (s12.024) a 15 metre setback is considered to be excessive within the industrial zone and even at zone boundaries. The proposed 5 metres and 10 metres to the Rural Lifestyle Zone will allow for sufficient buffering and setback to ensure amenity values are maintained and managed. There is a balance to be achieved between setbacks and efficient use of land and as noted above a 5 metre setback is considered to strike the appropriate balance.

Recommendation

408. I recommend that the submissions are rejected and the setback standards remain as notified.

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

8.20 Standards GIZ-S4 and GIZ-S5

Matters raised by submitters

410. Alliance Group (s121.105) and Silver Fern Farms (s40.085) support GIZ-S4 and seek that it is retained as notified because the 2 metre setback is appropriate to optimise the efficient use of land within the GIZ.

411. P & J Talbot (s12.026) oppose GIZ-S4 and seeks that right of way setbacks should be the same as boundary setbacks with no reduction in setbacks permitted because large buildings could be 2 metres from a private right of way and there would be no provision for screening, sound protection, aesthetics, green strip etc. HWR Property (FS7.7) opposes the submission and seeks that it is disallowed because the resolution sought does not appear to relate to the standard and HWR Property opposes inclusion of a standard requiring a minimum setback to a right of way.

412. P & J Talbot (s12.028 & s12.029) oppose in part GIZ-S5 and seek that applicants are required to perform 'environmental good work' if riparian planning is not necessary and that if the waterway forms a boundary the applicant should be liable for riparian planting on the opposite bank or erosion control.
413. Alliance Group (s121.106) seek an amendment to GIZ-S5 so that the rule does not apply to the Alliance site (Lot 1 DP 588607) because the eastern boundary of the southern site of the Alliance Mataura plant immediately abuts the Mataura River with a concrete wall which has a height of between five and 10 metres (depending on the specific location) on the river side of the wall. This submitter notes that this forms the bank of the river at that location and the site is already heavily modified with buildings and hard stand along the entire length of the boundary with the Mataura River. The potential effects on the matters of discretion from locating a building or structure within 20 m of the Mataura River are unlikely to be any different to what already exists. In addition, discharges of stormwater from the site are managed via an existing stormwater discharge consent issued by ES.

Assessment

414. The support from Alliance Group (s121.105) and Silver Fern Farms (s40.085) is acknowledged and accepted.
415. In response to the submission from P & J Talbot (s12.026) on GIZ-S4 and consider the setback to rights of way should be the same as boundary setbacks, as right of ways are not a road boundary²⁴ they would not be covered by this standard and instead the boundary setbacks under GIZ-S3 would be applicable. I therefore agree with the further submission from HWR Property (FS7.7) that the relief sought does not relate to GIZ-S4.
416. In response to the submission from P & J Talbot (s12.028 & s12.029) on GIZ-S5 the standard requires a setback rather than planting, where there is a reduced setback sought through a resource consent then the matters of discretion include consideration of proposed planting and riparian enhancement.
417. In response to Alliance Group (s121.106) whilst I acknowledge that there are existing buildings on Lot 1 DP 588607 (shown in Figure 3) which do not comply with the setback requirement and that in places the site is too narrow to allow for compliant development should the site ever be redeveloped the matters of discretion associated with any resource consent for a reduced setback are likely to allow for enhanced opportunities within the riparian margin of the Mataura River. Although the site is heavily modified this does not mean future opportunities for enhancement and improvement could be possible.

²⁴ PDP Part 1 Interpretation – boundary Means any boundary of the net site area. Site boundary shall have the same meaning as boundary. Internal boundary means any boundary of the net area of a site other than a road boundary. **Road boundary means any boundary of a site abutting a legal road, other than an accessway or service lane, or contiguous to a boundary of a road designation.** See also notional boundary. [emphasis added]



Figure 3 – Alliance Group site at Matarua (Lot 1 DP 588607)

418. Furthermore, I note there are other sites within Matarua which may be in a similar situation and whilst resource consent may be triggered on these sites due to an inability to comply with the setback existing use rights or the restrictions of the site dimensions could be considered along with any mitigation measures which enhance and improve the riparian area. For these reasons I reject the submission from Alliance Group (s121.106)

Recommendation

419. For the reasons outlined above I recommend GIZ-S4 and GIZ-S5 is retained as notified, except where other amendments are recommended in this report.

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

8.21 Standards GIZ-S6 and GIZ-S7

Matters raised by submitters

421. HWR Property (s108.023) supports in part GIZ-S6 and seeks an amendment to include a minimum requirement of 1 metre in height with clarity around what is considered suitable minimum landscaping to help landowners make informed choices.

422. P & J Talbot (s12.031) oppose in part GIZ-S7 and seek that all screening is approved by neighbouring property owners because some choices of screening may create further visual effects on neighbouring sites. HWR Property (FS7.8) opposes the submission and seek that it is disallowed as the standard as notified is sufficient to ensure effective screening is enabled for landowners in adjoining zones. Alliance Group (FS27.030) and Silver Fern Farms (FS29.079) also oppose the submission from P & J Talbot (s12.031) and seek that it is disallowed as appropriate consultation and notification requirements are included in the PDP as notified.

Assessment

423. In response to the submission from HWR Property (s108.023) the intent of the standard was to require landscaping without being too prescriptive as to what was required given the anticipated level of amenity within the zone. For this reason, whilst I agree that providing some more direction could assist plan users the intent was to allow flexibility and therefore I consider it appropriate that the standard remain as notified without a specific requirement for the height of landscaping.
424. In response to the submission from P & J Talbot (s12.031) I do not consider it appropriate that a standard have a requirement for third party approval, in the event that an activity does not comply with the standard the decision maker will assess whether there are any adversely affected parties in accordance with the requirements of Sections 95E of the RMA.

Recommendation

425. For the reasons give above I recommend that GIZ-S6 and GIZ-S7 are retained as notified, except where other amendments are recommended in this report.
426. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

8.22 Standards GIZ-S8, GIZ-S9 and GIZ-S10

Matters raised by submitters

427. P & J Talbot (s12.032) oppose in part GIZ-S8 and seek that additional screening is required for security fencing along boundaries with rural, rural lifestyle, public or residential zones because security fencing can be ugly and overly industrial looking. Alliance Group (FS27.030) and Silver Fern Farms (FS29.079) also oppose the submission from P & J Talbot (s12.031) and seek that it is disallowed as appropriate consultation and notification requirements are included in the PDP as notified.
428. HWR Property (s108.024 and s108.025) oppose GIZ-S9 and GIZ-S10 and seek that both standards are deleted. HWR Property consider that in relation to GIZ-S9 sites are generally fully sealed in order to operate efficiently and having 10% permeable surface is out of keeping with the intent for the GIZ and the frontage landscaping strip would be sufficient to provide some measure of permeable surfaces on the site. In relation to GIZ-S10 HWR Property considers that the GIZ is anticipated to generate high levels of noise, odour, dust and other discharge effects and therefore sensitive activities such as dwellings are not appropriate and outdoor living area is inappropriate even if the ability to establish ancillary residential activities is retained.

Assessment

429. In response to the submission from P & J Talbot (s12.032) it is unclear what additional screening the submitter considers should be required, the proposed standard requires either

a 1.8m fence or landscaping which fully screens from view. I agree that security fencing may be unattractive, however, I don't consider that would achieve compliance with the standard which requires that areas are fully screened from view, indicating a solid fence. However, the standard could be strengthened to require a solid fence and this would be consistent with standard TCZ-S7 in the Town Centre Zone. I therefore recommend that the standard is amended as follows:

Any on-site service area, including rubbish collection areas, must be fully screened by a solid, close-boarded 1.8m high fence or landscaping from view of:

430. In response to the submission HWR Property (s108.024) which opposes GIZ-S9 I consider that this standard should be retained, whilst I agree that industrial sites are predominantly sealed the standard will ensure that some areas are retained for stormwater ground soakage. I also consider that the landscaping strip required under GIZ-S6 could serve towards achieving a 10% landscaped permeable area. As an example, on a site²⁵ with a frontage of 20m and an area of 1013m² would require a frontage landscape strip which is 40m², 10% of the site area would be 101m² meaning another 61m² of permeable surface area would be required, this could be achieved through landscaping around the building entrance, staff outdoor areas or boundary landscape screening. Overall, I consider that the standard should remain to contribute to ensuring appropriate levels of amenity value within the zone and assist with stormwater run-off management.

431. In relation to GIZ-S10 given small scale residential activities are permitted under GIZ-R9, even though the residential activities are limited, small scale and potentially for temporary accommodation it is appropriate that occupants are provided with some outdoor space. The requirements are small scale and would likely be achieved by a balcony or similar and could even be shared with staff outdoor amenity space. I have provided an assessment in relation to GIZ-R9 above and concluded that the rules should be retained, I therefore conclude that GIZ-S10 should also be retained as notified.

Recommendation

432. For the reasons outlined above I recommend that GIZ-S8 is amended as follows:

Any on-site service area, including rubbish collection areas, must be fully screened by a solid, close-boarded 1.8m high fence or landscaping from view of:

433. I recommend that GIZ-S9 and GIZ-S10 are retained as notified for the reasons outlined above.

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

²⁵ 9 Charlton Lane, Gore used as an example

9. Submissions Specific to Light Industrial Zone

9.1 General Submissions

Matters raised by submitters

435. Debra & Gary Gibson (s141.001) oppose in part the LIZ Chapter and seek more stringent regulations relating to noise, smell and light as they are concerned these effects will increase with general industry resulting in a depreciation of land value and amenity.

436. SDC (s146.091) supports the LIZ Chapter.

437. HNZPT (a123.023) support the LIZ Chapter and considers that the use of Precincts alongside the Historic Heritage provisions appropriately balance the ongoing commercial and industrial use of areas while retaining the recognised historic heritage values.

Assessment

438. The support from SDC (s146.091) and HNZPT (s123.023) is acknowledged and accepted.

439. In response to the submission from Debra & Gary Gibson (s141.001) light and noise will be considered in hearing streams 5 and 6 respectively in association with those Chapters of the PDP. The discharge of odour is considered to be a regional matter. Land value depreciation is not an RMA planning matter, however, the objectives, policies and performance standards within the LIZ ensure that an appropriate level of amenity will be maintained for adjoining sites.

Recommendation

440. I recommend, for the reasons given above, that the LIZ Chapter is retained as notified, expect where other amendments are recommended throughout this report.

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

9.2 Overview and Purpose

Matters raised by submitters

442. Karen Menlove (s89.001) opposes in part the overview and purpose and seeks that the land at the Gore racecourse is excluded from the LIZ because the proposed zoning does not protect neighbouring sites which are residential in character and use.

443. ES (s85.250) oppose in part the overview and purpose and see that it recognises that a residual flood risk exists despite stop banks.

Assessment

444. In response to Karen Menlove (s89.001) the overview and purpose details the purpose of the zoning, the submission appears to relate to mapped zoning rather than the content of the overview and purpose. However, the overview and purpose, in the fourth paragraph details how amenity values within the zone and at the zone interface (which would include to the Rural Lifestyle zone) are managed and this then aligns with the objectives, policies and rules.
445. In response to ES submissions (s85.250) to amend the Overview and Purpose I disagree with the submission as I do not consider the amendment is necessary. The chapter provisions generally do not relate to flood risk, and do not refer to this matter or stopbank protection in the Overview and Purpose. The potential flood hazard, and provisions in relation to development and stopbanks are within the district wide Natural Hazards chapter, as directed by the National Planning Standards, and are therefore more appropriately detailed in the overview of that chapter as required. The Natural Hazard Chapter contains an Overview and Purpose along with provisions relating to levels of risk from natural hazards including flood risk. I consider this to be the appropriate approach and note that the zone chapters should be read in conjunction with the Natural Hazards chapter.

Recommendation

446. I recommend, for the reasons given above, that the overview and purpose is retained as notified.
447. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

9.3 Objectives LIZ-O2 and LIZ-O4

Matters raised by submitters

448. MOE (s125.075) support LIZ-O2 and seek that it is retained as proposed because it enables a range of activities, including education facilities are provided for in the LIZ.
449. Ronald Ashby (s107.001) seeks that LIZ-O4 is voided from the PDP and seeks clarification as to the intent of the Objective.

Assessment

450. The support from MOE (s125.075) is acknowledged and accepted.
451. In response to the submission from Ronald Ashby (s107.001) LIZ-O4 is intended to provide direction as to the anticipated levels of amenity within the zone. Policies LIZ-P4 and LIZ-P5 give effect to LIZ-O4 and the rules and performance standards then give effect to those policies. Deleting LIZ-O4 would leave a gap in the framework of the chapter and would not provide clear direction to plan users and decision makers as to the anticipated level of amenity within the zone.

Recommendation

452. For the reasons given above I recommend that LIZ-O2 and LIZ-O4 are retained as notified with no amendments.

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

9.4 Policies LIZ-P1, LIZ-P3 and LIZ-P4

Matters raised by submitters

454. FENZ (s124.226) supports LIZ-P1 and seeks that it is retained as notified because it provides for non-industrial activities such as emergency service facilities where there is a functional or operational need for their location amongst industrial activities.

455. KiwiRail (s132.229) support LIZ-P3 and seek that it is retained as proposed because it recognises the need to avoid activities which could result in conflict and / or potential reverse sensitivity effects on existing or anticipated activities.

456. NZTA (s112.156 and 112.157) support LIZ-P3 and LIZ-P4 and seek that they are retained as notified because they seek to avoid cross boundary effects from activities which generate dust discharges which might affect driver visibility and requires screening along road boundaries such as the State Highway.

Assessment and Recommendation

457. The support from FENZ (s124.226) for LIZ-P1, KiwiRail (s132.229) for LIZ-P3 and NZTA (s112.156 and 112.157) for LIZ-P3 and LIZ-P4 is acknowledged and accepted and no amendments to LIZ-P1, LIZ-P3 and LIZ-P4 are recommended in response.

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

9.5 Rules LIZ-R3

Matters raised by submitters

459. FENZ (s124.239) supports LIZ-R3 and seeks that it is retained as notified because it provides for emergency service facilities.

Assessment and Recommendation

460. The support from FENZ (s124.239) is acknowledged and accepted and no amendments are recommended.

9.6 Standards

Matters raised by submitters - FENZ

461. FENZ (s124.240) supports in part LIZ-S1 and seeks an amendment to exclude communication towers and poles for emergency service facilities from the height and height in relation to boundary requirements. Fire and Emergency stations typically have operational requirements which include a multipurpose tower or pole between 12-15m in height. Towers are typically either lattice towers that can support a siren, aerials and hose drying or are platform towers that can support all the above plus be used for firefighter training. Similarly, poles can support sirens, aerials and hose drying activities.
462. FENZ (s124.241) supports in part LIZ-S2 and seeks an amendment to allow for communication towers and poles for emergency service facilities to be excluded from the standard.
463. FENZ (s124.242) supports LIZ-S3 and seeks that it is retained as notified because it supports the logistical and operational requirements of Fire and Emergency.

Assessment

464. In response to the submission from FENZ (s124.240 & s124.241) in relation to exemptions for towers and poles associated with emergency service facilities I acknowledge the operational value of towers and poles. However, although FENZ have provided an image of a tower at a facility in Taupo in Appendix B of their submission there is not really any clear indication of what a 'tower' might constitute. A pole would typically be slimline and potentially therefore have limited adverse effects on adjoining landowners despite an increased height, however, a tower may be a larger structure and it may therefore be appropriate to manage this structure through a resource consent process.
465. The LIZ has a height limit of 12 metres (LIZ-S1) and the FENZ submission seeks that proposed towers and / or poles would be between 12-15 metres in height which, at the lower end is consistent with the height limit and at the height end would exceed the height limit by 3 metres. Although, the standard does provide a general exemption for roof mounted structures, up to 1m above the permitted height for antennas or aerials, that would apply to communications infrastructure for emergency services facilities.
466. As detailed in the Industrial Zones Section 32 Evaluation Reports, a height of 12 metres was determined following consideration of existing development within the zone areas, the anticipated character and built form of the zone based on the range of activities enabled, and the potential adverse effects on landowners within the zone and within adjoining zones.
467. The LIZ Chapter includes a standard for height in relation to boundary (LIZ-S2) which further seeks to manage the effects of built form on adjoining sites within the Residential or Māori Purpose Zones. The standard requires that no part of any building or structure projects beyond the height in relation to boundary plane measured from points 2.6 metres above ground level at a site boundary with a residential zone or contains a scheduled heritage item.

468. Without further information about the proposed tower or poles and potential mitigation of adverse effects, such as boundary setbacks and maximum footprints, I do not consider it is appropriate to simply exempt these structures from the height limit or the height in relation to boundary requirement because such an exemption could result in adverse effects on adjoining landowners. FENZ could seek a restricted discretionary resource consent for any height breach, and the non-compliance would be assessed on its merits.

469. The submission (s124.242) supporting LIZ-S3 is acknowledged and accepted and no amendments are recommended to LIZ-S3.

Recommendation for Standards

470. For the reasons outlined above I recommend that there are no amendments to the LIZ to respond to the above submissions.

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

10. Submissions Specific to Development Area 1 (DEV1)

10.1 NZTA

Matters raised by submitter

472. NZTA (s112.170) opposes in part DEV1 because the development is expected to intensify the use of Racecourse Road and Saleyard Road. The submitter seeks inclusion of a new policy which will ensure land use and development is required to maintain the safe, efficient and effective operation of the State Highway network. A new policy would allow discretionary and non-complying resource consent applications give due consideration to the wider impact on key transportation networks. The amended wording sought is as follows:

Ensure development is designed to be consistent with the capacity of the existing transportation network, including the State highway network, or will be appropriately upgraded.

473. NZTA (s112.173) oppose in part the DP although they support the layout of the development area and in particular the location of the primary road connection with SH1 which achieves appropriate separation distances to adjacent existing local road intersections with State highway 1, as well as the provision of internal road connections through to the existing local roads, Saleyard Road and Racecourse Road, which supports good connectivity within the DEV1 area. However, the submitter seeks an amendment to the DP to specify when the intersections with Racecourse Road and Saleyard Road would be required to be upgraded.

474. NZTA (s112.165) supports in part the overview and purpose and seeks an amendment to the text to identify that there may be effects on the state highway as a result of development:

In contrast the majority of land within the Development Area is currently undeveloped and therefore future development should be managed to ensure high quality urban design outcomes which mitigate adverse effects on the state highway and adjoining landowners outside of the Industrial Zone areas.

475. NZTA (s112.166) also opposes in part the overview and purpose where it suggests that additional access points to the state highway would be considered if they were justified by traffic demand and seeks that this text is deleted. The submitter also considers the second sentence is a duplication which is deleted:

The indicative road layout seeks to allow for staged development and minimise additional access points onto the State Highway ~~unless they are justified by traffic demand.~~ It is anticipated that the Development Area will be developed in a staged manner which aligns with the future use of the racecourse and other landowner's aspirations. ~~The indicative road layout seeks to allow for staged development and minimise additional access points onto the State Highway unless they are justified by traffic demand.~~

476. NZTA (s112.167) supports in part objective DEV-O1 and seeks an amendment to delete reference to 'additional' accesses onto the State Highway which the submitter is concerned could lead people to think there is a possibility of additional accesses which may not be appropriate. The submitter also seeks to add an additional clause to ensure that the safe, efficient and effective use of the state highway is maintained in relation to development within the DEV1:

1. connectivity of traffic, pedestrian and cycle routes provides for future development and minimises ~~additional~~ accesses onto the State Highway; and.....

8. the safe, efficient and effective operation of the surrounding roading environment, including the State highway network, is maintained.

477. NZTA (s112.168 & s112.169) supports DEV1-P1 and DEV1-P2 and seeks that it is retained as notified.

478. NZTA (s112.171 & s112.190) supports DEV1-R1 and seeks that it is retained as notified because it provides for buildings and structures provided they are located in accordance with the ODP.

479. NZTA (s112.172) opposes DEV1-S2 and seeks that transport thresholds are included within the standard as well as the associated DP to specify when upgrades are required to at the intersections of Saleyard Road and the State Highway and Racecourse Road and the State Highway. The submitter does not consider other provisions in the Transport or Subdivision chapter sufficiently provides for an assessment of the cumulative traffic effects arising from development within DEV1 nor are they clear as to when these intersections will require upgrading. The submitter seeks the following amendment to the matters of discretion and to add an advice note:

Matters of Discretion:

1. The effects of traffic generation and the new road layout, including accesses onto Racecourse Road, Saleyard Road and State Highway 1, on the safe and efficient operation of the transport network including the State highway intersections.

Advice Note:

Waka Kotahi approval is required under the Government Roadway Powers Act (1989) for any upgrade to an existing local road intersection with the State Highway to ensure that it does not compromise the safety, efficiency and effectiveness of the state highway network.

Assessment

480. In response to NZTA (s112.167) I agree that it would be appropriate to amend DEV1-O1 and to delete reference to 'additional' accesses onto the state highway to avoid any confusion around the potential for new accesses onto the state highway which it is acknowledged would be controlled by NZTA as a limited access highway. I also agree that an additional clause to ensure that the safe, efficient and effective use of the state highway is maintained in relation to development within the DEV1 would be appropriate. Therefore, I accept the submission and recommend the following amendments:

1. connectivity of traffic, pedestrian and cycle routes provides for future development and minimises ~~additional~~ accesses onto the State Highway; and.....

8. the safe, efficient and effective operation of the surrounding roading environment, including the State highway network, is maintained.

481. In response to NZTA (s112.170) I agree that it would be appropriate to have a policy which seeks to ensure that development maintains the safe, efficient and effective operation of the State Highway network. However, I consider it would be more appropriate to amend existing policy DEV1-P2 to include a further clause to achieve this outcome and considers traffic effects on the road network generally, not just the State Highway. I consider the proposed amendments will also allow for consideration of upgrades which might be necessary to achieve the outcomes of a safe, efficient and effective operation of the state highway. The amendment would also align with the recommended amendments to DEV1-O1. For this reason, I recommend an additional clause be added to DEV1-P2 as follows:

Ensure *subdivision*, development and activities are designed and located in accordance with the Outline Development Plan having regard to:

.....7. Maintaining the safe, efficient and effective operation of the road network, including the State Highway.

482. In response to the submissions from NZTA (s112.173 & s112.172) I have considered the inclusion of a trigger and determined that including such a trigger would be problematic and serve to be a blunt tool to require an upgrade of the intersections which may not be

appropriate. A trigger would essentially mean that once a certain amount of development takes place the intersections with the state highway need to be upgraded.

483. For example, if the tipping point were the 11th new activity to establish then you create a situation whereby that 11th activity becomes liable for the upgrade which, unless the activity was significant could render it uneconomic due to the cost of the upgrade. Furthermore, this means every future and past development benefits from the upgrade without having to contribute, which creates an unequitable situation and results in a disproportionate cost for that one development.

484. In a situation where a large subdivision or large scale activity is proposed then requiring that development to undertake the upgrade could be feasible and economic, however, it is challenging to build such a requirement into the PDP as it is dependent on multiple factors which cannot be easily defined. For example, what scale of subdivision or activity would trigger the upgrade – would the trigger be multiple small activities which result from a multiple lot subdivision or a single larger activities which is the result of a two lot subdivision.

485. Furthermore, a trigger may not take accurately account of the actual traffic generation associated with the activity. For example, a large scale storage facility may generate relatively few traffic movements compared to a medium scale processing facility.

486. Therefore, adding a specific trigger for the upgrade into the PDP is highly problematic and I do not consider there is a feasible, workable approach to achieve this which would not have the potential for unintended consequences that may disincentivise development. I have undertaken consultation with Mark Gregory, Principal Transport Planner at WSP who prepared the Gore District Plan Review Traffic Assessment Report for the Gore South Industrial Development Area on this matter and Mr Gregory has supported my opinion that a trigger mechanism is problematic.

487. Considering the problems with a single trigger mechanism I have reviewed what other mechanisms there are within the PDP to manage the potential traffic effects from development and which could trigger an upgrade of the intersections. Subdivision SUB-R6 is particularly relevant in this instance as it means all subdivision within the Development Area. Any subdivision will require resource consent as a Restricted Discretionary Activity with the following matters of discretion relevant to the consideration of traffic effects:

2. Internal roading design and provision, including roading connections for future subdivision on adjoining land.

5. The effects of traffic generation on the safe and efficient operation of the transport network, including the provision of a Travel Management Plan which encourages alternative modes of transport.

488. These matters of discretion therefore mean that traffic effects would specifically be considered in relation to the subdivision and in the event that the traffic generation was high and would impact on the safe use of the intersection with the state highway an upgrade could be considered as part of the consent process.

489. Within the Transport Chapter TRANS-R4 contains a requirement for a restricted discretionary consent for any activity or combination of activities on a site where more than 250 vehicle movements per day are generated. This rule would capture any high trip generating activity and require consideration of the adverse effects on the safe and efficient use of the transport network, which would include state highway intersections.
490. Therefore, there are already mechanisms within the PDP to capture activities that generate high levels of traffic or to consider traffic effects from subdivisions.
491. In my opinion it would be more appropriate that upgrades to the intersection were planned for through Council's Long Term Plan (LTP) as a project to support growth within the district given the new zoning is specifically proposed to cater for business growth in the short, medium and long term. It is understood Council is currently preparing a Development Contribution Policy (DCP) which, if the upgrades were included as projects in the LTP and schedule of works under the DCP would ensure that new development would provide funding for the upgrades, this would be a more equitable means to sharing the cost of an upgrade that benefits multiple parties and would ensure the works occur.
492. An alternative to including the works within the DCP would be to include a financial contribution provision within the PDP to achieve a similar purpose which would be to collect funding for the upgrade from new development. I recommend that both the DCP and financial contribution approach are considered as an efficient and effective means of ensuring the upgrades occur in a manner which is equitable and proportionate. I consider this would have both economic and environmental benefits for those establishing within the Development Area and the wider community who would benefit from the increased growth opportunities and intersection upgrades.
493. However, it should be noted that the provision of a DCP is outside the control of the PDP process and inclusion of a Financial Contribution Chapter in the PDP would involve a variation or future Plan Change, most likely a Plan Change due to the timing of the PDP process and volume of work required.
494. In response to the submission NZTA (s112.172) to amend DEV1-S2 matter of discretion 1 and add an advice note I agree that an amendment to matter of discretion 1 would make it clear that consideration should be given to the effects of increased traffic on the state highway intersection and this would align with the amended objective and policies.
495. However, in relation to the addition of an advice note I agree that this could provide useful information for plan users, however, it may also create confusion regarding the need for written approval from NZTA as an affected party should resource consent be required. The Overview and Purpose section of the Transport Chapter advises that approval from NZTA is also required for activities on land within the legal state highway, which would include new access points. I consider, therefore, that this sufficiently achieves the same outcome sought by NZTA in relation to their submission for an advice note.
496. The support from NZTA (s112.168, s112.169, s112.171 & s112.190) for DEV1-R1, DEV1—P1 and DEV1-P2 is acknowledged and accepted.

497. In response to the submission from NZTA (s112.165 & s112.166) seeking amendments to the Context and Access and Transport sections within the DEV1 section of the Development Area Chapter I agree that the amendments would be appropriate to ensure that there is clear understanding around the creation of additional access points onto the state highway and that adverse effects on the state highway are a key consideration in relation to development of the area. For this reason, I recommend the submissions are accepted and the overview and purpose amended as follows:

Context

.....In contrast the majority of land within the Development Area is currently undeveloped and therefore future development should be managed to ensure high quality urban design outcomes which mitigate adverse effects on the state highway and adjoining landowners outside of the Industrial Zone areas.....

Access and Transport

.....The indicative road layout seeks to allow for staged development and minimise additional access points onto the State Highway ~~unless they are justified by traffic demand~~. It is anticipated that the Development Area will be developed in a staged manner which aligns with the future use of the racecourse and other landowner's aspirations. ~~The indicative road layout seeks to allow for staged development and minimise additional access points onto the State Highway unless they are justified by traffic demand.~~

Recommendation

498. I recommend the Context and Access and Transport sections for DEV1 are amended as follows:

Context

.....In contrast the majority of land within the Development Area is currently undeveloped and therefore future development should be managed to ensure high quality urban design outcomes which mitigate adverse effects on the state highway and adjoining landowners outside of the Industrial Zone areas.....

Access and Transport

.....The indicative road layout seeks to allow for staged development and minimise additional access points onto the State Highway ~~unless they are justified by traffic demand~~. It is anticipated that the Development Area will be developed in a staged manner which aligns with the future use of the racecourse and other landowner's aspirations. ~~The indicative road layout seeks to allow for staged development and minimise additional access points onto the State Highway unless they are justified by traffic demand.~~

499. I recommend DEV1-O1 is amended as follows:

1. connectivity of traffic, pedestrian and cycle routes provides for future development and minimises ~~additional~~ accesses onto the State Highway; and.....

8. the safe, efficient and effective operation of the surrounding roading environment, including the State highway network, is maintained.

500. For the reasons given above I recommend DEV1-P2 is amended as follows:

Ensure *subdivision*, development and activities are designed and located in accordance with the Outline Development Plan having regard to:

1. the management of natural hazards on people, property and the environment;
2. the potential impacts on Ngāi Tahu cultural values and relationship with the natural environment;
3. A development layout and sequencing which aligns with the indicative road layout and avoids multiple connections onto the State Highway;
4. the provision of pedestrian, cycle and bridleway routes which serve the community;
5. measures which mitigate adverse effects on the amenity values of sites within the *rural environment*; and
6. Retention of existing landscape features and provision of new landscaping which utilises flood resistant species and native vegetation within the site.
7. Maintaining the safe, efficient and effective operation of the road network, including the State Highway

501. For the reasons given above I recommend DEV1-S2, Matter of Discretion 1 is amended as follows

Matters of Discretion:

1. The effects of traffic generation and the new road layout, including accesses onto Racecourse Road, Saleyard Road and State Highway 1, on the safe and efficient operation of the transport network including the State highway intersections.

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

Section 32AA Evaluation

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

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner and will ensure efficient and effective decision making where resource consent is required and the proposal has the potential to generate adverse effects on the road network.

Costs and benefits

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

Risk of acting or not acting

There is the potential for a lack of direction for plan users and decision makers with regards to traffic effects if the proposed amendment is not made.

Conclusion as to the most appropriate option

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

10.2 Silver Fern Farms

Matters raised by submitter

504. Silver Fern Farms (s40.092) opposes the Outline Development Plan (DP) and seeks an amendment to delete the secondary road connection from Lot 3 DP 8038 (land owned by the submitter) to ensure that development expectations for the DP are realistic because the submitter has no intention to develop the landholding in a manner shown on the DP. The submitter considers the road could terminate at Lot 2 DP8038 without disadvantaging industrial development within the Development area. NZTA (FS14.038) opposes Silver Fern Farms submission (s40.092) and seeks that it is disallowed. NZTA considers that the removal of the secondary road connection may result in more direct access to the State Highway and increased use of the intersections with the state highway intersections with resultant consequences for the state highway network.
505. Silver Fern Farms (s40.087) supports the overview and purpose and seeks that it is retained as notified because it provides for road development to occur in stages and provides flexibility to depart from the DP. The submitter notes, however, that the secondary connector road is unlikely to be constructed during the life of the PDP and so an amendment to the DP is sought to delete that road. NZTA (FS14.034) opposes the submission from Silver Fern Farms (s40.087) and seeks that it is disallowed on the basis that the removal of the secondary road connection may result in more direct access to the State Highway and increased use of the intersections with the state highway intersections with resultant consequences for the state highway network.
506. Silver Fern Farms (s40.088) opposes objective DEV-O1 and seeks that the DP is amended to delete the secondary road connection from Lot 3 DP 8038 and which relates to the requirement under DEV-O1(2) to develop infrastructure in accordance with the DP. NZTA (FS14.035) opposes the submission from Silver Fern Farms (s40.088) because the removal of the secondary connector road could result in more direct access to the State Highway and use of the highway which might have consequences on the state highway network.

507. Silver Fern Farms (s40.089) supports policy DEV-P1 and seeks that it is retained as notified because it is appropriate that there is flexibility for alternative design solutions.
508. Silver Fern Farms (s40.090) opposes policy DEV-P2 and seeks that the DP is amended to delete the secondary road connection from Lot 3 DP 8038 and which relates to the requirement under clause 3 to develop infrastructure in accordance with the DP. NZTA (FS14.036) opposes the submission from Silver Fern Farms (s40.090) and seeks that it is disallowed because the removal of the secondary connector road could result in more direct access to the State Highway and use of the highway which might have consequences on the state highway network.
509. Silver Fern Farms (s40.091) opposes DEV-R1 and seeks that the DP is amended to delete the secondary road connection from Lot 3 DP 8038 and which relates to the requirement under clause 3 to develop infrastructure in accordance with the DP. NZTA (FS14.037) opposes the submission from Silver Fern Farms (s40.091) because the removal of the secondary connector road could result in more direct access to the State Highway and use of the highway which might have consequences on the state highway network.

Assessment

510. In response to Silver Fern Farms (s40.092, s40.087, s40.088, s40.090, s40.091) I acknowledge that they consider it unlikely that Lot 2 DP8038 will be developed, however, the DP seeks to provide connectivity through the entire area in the event that land is developed and as such I consider it appropriate that the indicative road remain shown on the DP. Clearly no person can make the landowner develop, however, the PDP should provide for a situation where development may occur to ensure positive outcomes.
511. In my view the only other option to allow for a through connection to Saleyard Road which is considered a desirable outcome from a urban design perspective²⁶ and to manage traffic effects²⁷ would be to utilise a private right of way to the west of the development area and which is currently part of Lot 2 DP 11742 (42B Saleyard Road).
512. I do not consider this to be an appropriate or viable alternative as those sites are not zoned Industrial and the right of way assists in provide a separation from the industrial zone to properties zoned Rural Lifestyle. Furthermore, having an access road in this location has the potential to increase adverse effects on adjoining landowners, where the development area provisions and DP layout seek to include measures to protect the amenity values of these sites. Finally, relocation of this through road could result in an inefficient use of sites within the development area given the distance of the road to future development within the site noting that it is appropriate to avoid multiple access points onto the State Highway. For this reason I consider the indicative road layout should remain as notified.

²⁶ Gore South Outline Development Plan Context, The Property Group, July 2023

²⁷ Gore District Plan Review – Traffic Assessment Report – General Industrial Zones, WSP, June 2023

513. The support from Silver Fern Farms (s40.089) for policy DEV-P1 is acknowledged and accepted.

Recommendation

514. For the reasons outlined above I recommend the submissions are rejected and the Development Area Chapter is retained as notified, except where other amendments are recommended in this report.

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

10.3 Ministry of Education

Matters raised by submitter

516. MOE (s125.092) support in part objective DEV1-O1 as they support the principle of the objective, however, the submitter seeks an amendment (s125.093) to provide for more explicit consideration of educational facilities throughout the district, including within industrial areas because Council has a duty to provide for additional infrastructure (which would include schools) under Policy 10 and 3.5 of subpart 1 of part 3 of the NPS-UD:

Development occurs in the Gore South Industrial Development Area in a coordinated and integrated manner that ensures: (...)

6. new development is screened from adjoining rural lifestyle sites by appropriate buffers and landscaping; ~~and~~
7. adverse effects from natural hazards are avoided or mitigated; and
8. Appropriate regard is given to social infrastructure.

517. Silver Fern Farms (FS29.083) opposes the submission from MOE (s125.093) and seeks that it is disallowed on the basis that the information within the PDP indicates the Gore South Industrial Development Area is not intended to host “social infrastructure” (including educational facilities).

518. MOE (s125.094 & s124.095) support in part policy DEV1-P2 and seek an amendment to ensure explicit consideration of educational facilities throughout the district, including within industrial areas because Council has a duty to provide for additional infrastructure (which would include schools) under Policy 10 and 3.5 of subpart 1 of part 3 of the NPS-UD:

Ensure subdivision, development and activities are designed and located in accordance with the Outline Development Plan having regard to: (...)

5. measures which mitigate adverse effects on the amenity values of sites within the rural environment; ~~and~~
6. Retention of existing landscape features and provision of new landscaping which utilises flood resistant species and native vegetation within the site; and
7. Provision of social infrastructure.

519. Silver Fern Farms (FS29.086) opposes the submission from MOE (s124.095) and seeks that it is disallowed on the basis that the information within the PDP indicates the Gore South Industrial Development Area is not intended to host “social infrastructure” (including educational facilities).

Assessment

520. In response to the submissions from MOE (s125.092, s125.093 s125.094 & s124.095) to include reference to ‘social infrastructure’ in DEV1-O1 and DEV1-P2 social infrastructure is not defined in the PDP and as such I consider it could generate some confusion as to what this might entail. Furthermore, I do not consider this would align with the DP or provisions which do not provide for social infrastructures. The underlying industrial zoning seeks to enable industrial activities and discourage sensitive activities which would be incompatible with the purpose of the zone.

521. Although it is not clear what social infrastructure might entail it is unlikely to be appropriate within the development area which is zoned industrial. The development area provides for landscaping can transport connectivity to ensure amenity values and a range of transport options are provided beyond this social infrastructure is unlikely to be appropriate. For these reasons the submissions are rejected and the further submissions from Silver Fern Farms (FS29.083 & FS29.086) are accepted.

Recommendation

522. For the reasons given above no amendments are recommended in response to the submissions.

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

10.4 Other Submitters

Matters raised by submitters

524. Nigel Cowburn (s152.014) requests that a best management approach to stormwater management includes SuDs or Sponge City, and considers that without a best management approach the District’s stormwater problems will be prolonged.

525. Stephen Hook (s31.002) opposes DEV1 and seeks that the zoning should be Rural because the industrial zoning will ruin the area and devalue property.

526. FENZ (s124.312) support objective DEV1-O1 and seek that it is retained as notified because it recognises that infrastructure which includes firefighting water supply shall be provided for.

527. Debra & Gary Gibson (s141.004) oppose in part DEV1-S1 and seek that the landscape buffer is greater than 5 metres or buildings and structures are not permitted to be erected within 100 metres of the boundary. The submitter considers a 5 metre buffer is not sufficient as general industry will increase smell, noise, lights and potential for hazardous chemicals which may depreciate land value and amenity. Silver Fern Farms (FS29.089) opposes the submission from

Debra & Gary Gibson (s141.004) and seek that it is disallowed because the proposed setbacks are considered excessive in light of the purpose of the development area.

Assessment

528. In response to the submission from Nigel Cowburn (s152.014) it's unclear how Mr Cowburn considers these measures should be best integrated into the Development Area provisions. However, as noted in the Section 42A report²⁸ for Hearing Stream 1 the PDP already includes provisions for low impact design. The Development Areas are zoned General and Light Industrial and both zones have a requirement for at least 10% permeable area which with a matter of discretion for any non-compliance being the ability to manage stormwater onsite. This requirement is considered to ensure that a best management approach is adopted to stormwater discharge in the PDP. However, I note that the Council's Subdivision and Land Development Bylaw 2019²⁹ also includes best practice outcomes for stormwater management and developments are required to comply with the bylaw requirements or seek a dispensation from Council.

529. In response to the submission from Stephen Hook (s31.002) as noted elsewhere in this report the Section 32 Report for Industrial Zones undertook a comprehensive analysis of the zoning within the Development Area. The zoning is required to allow Council to meet its obligations under the NPS-UD to provide sufficient land for business demand in the short, medium and long term. An assessment of suitable areas for re-zoning was undertaken and the Development Area land was determined to be the most appropriate.

530. The support from FENZ (s124.312) for objective DEV1-O1 is acknowledged and accepted.

531. In response to Debra & Gary Gibson (s141.004) a 5m landscape buffer is considered sufficient to mitigate visual amenity effects from the proposed development area. It is noted that this level of landscaping is greater than the requirement for industrial zones generally where they border other zones. The buffer was included in response to feedback received at draft plan engagement stage and was recommended within the Gore South Outline Development Plan Context³⁰ as a means of mitigating effects on adjoining rural lifestyle properties. Therefore, the buffer distance is considered to provide an appropriate balance between allowing for efficient use of industrial zoned land and managing adverse effects on the amenity values of adjoining landowners.

Recommendation

532. For the reasons give above the submissions are rejected and no amendments to the Development Area Chapter are recommended, other than those recommended elsewhere in this report.

²⁸ Hearing Stream 1 – Introduction, General Provisions and Strategic Direction, paragraph 194

²⁹ Gore District Council Subdivision and Land Development Bylaw 2019 – Chapter 4 Stormwater

³⁰ Gore South Outline Development Plan Context Report, The Property Group, July 2023, Page 12

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

11. Submissions Specific to Subdivision within Development Area 1 (DEV1)

11.1 Rule SUB-R6

Matters raised by submitters

534. The following submitters support SUB-R6 and seek that it is retained as notified with reasons as set out below:

Submission point	Submitter	Reason
S35.047	Chorus	The activity status and having telecommunication servicing as a matter of discretion is supported.
S40.043	Silver Fern Farms	A specific assessment matter relating to reverse sensitivity effects is supported and considers it will be critical to the success of the development area to ensure that subdivisions minimise the risk of subsequent reverse sensitivity effects.
s154.047	Spark	The activity status and having telecommunication servicing as a matter of discretion is supported.
s32.047	One NZ	The activity status and having telecommunication servicing as a matter of discretion is supported.
s33.047	Forty South	The activity status and having telecommunication servicing as a matter of discretion is supported.
s37.047	Connexa	The activity status and having telecommunication servicing as a matter of discretion is supported.

535. FENZ (s124.029) support in part SUB-R6 and seek an amendment to ensure that firefighting water supply is provided in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice - SNZ PAS 4508:2008:

Matters of Discretion

.....9. Provision for servicing, including water supply, firefighting water supply in accordance with SNZ PAS 4509:2008, wastewater treatment and disposal, stormwater design and disposal, electricity and telecommunications.

536. Clarke Fortune McDonald (s99.012) seek an amendment to SUB-R6 to provide a discretionary activity status where compliance is not achieved with the rule conditions because a breach of standards could be marginal, insignificant or would not prevent compliance with the objectives and policies, character and amenity values. A non-complying activity status is considered to be impractical and inappropriate. Hamish Weir (FS5.104) supports the submission from Clarke Fortune McDonald (s99.012) and seeks that it is allowed.

537. KiwiRail (s132.064) seeks an amendment to SUB-R6 to include an additional matter of discretion to ensure safe stormwater disposal that does not increase flood and erosion risk and to protect the function and operation of the railway from reverse sensitivity effects:

Matters of Discretion

....

9. Provision for servicing, including water supply, fire fighting water supply, wastewater treatment and disposal, stormwater design and disposal for the safe disposal of stormwater that does not result in increased flooding and erosion risk, electricity and telecommunications.

.....

14 Reverse sensitivity on adjacent land uses, to protect the function and operation of, airports, railway lines and State Highways.

538. Hamish Weir (FS5.105) opposes the submission from KiwiRail (s132.064) and seeks that it is disallowed. Silver Fern Farms (FS29.046) opposes in part the submission from KiwiRail (s132.064) and seeks that it is disallowed in part because the amended wording would inappropriately change the entire meaning of clause 14. It would limit consideration of reverse sensitivity effects to the protection of the function and operation of airports, railway lines and State Highways only, the proposed wording already allows for consideration of reverse sensitivity effects on the railway.

539. ES (s85.107) supports in part SUB-R6 and seeks greater emphasis is given to natural hazards, more emphasis on avoid in the first instance. The submitter considers the words are enabling and potentially cannot be relied on in their own right to decline a subdivision in a natural hazard area. Hamish Weir (FS5.106) opposes the submission from ES (s85.107) and seeks that it is disallowed. Clark Fortune McDonald (FS22.021) also opposes the submission and seeks that it is disallowed because they consider many subdivisions in natural hazard areas remain appropriate and hazards can be managed and a natural hazard assessment is already required as part of the subdivision process.

540. Clark Fortune McDonald (s99.008) seeks an amendment to SUB-R6 to ensure boundary adjustments are not unilaterally excluded from having a controlled activity status delete the words 'the site does not contain' and replace with 'the boundary adjustment does not have an adverse effect in relation to ...' HNZPT (FS11.016) opposes the submission from Clark Fortune McDonald (s99.008) and seeks that it is disallowed because the amendment would not provide for section 6(f) of the RMA or PDP objective HH-O3 and further consideration is required for a boundary adjustment where there is a historic heritage item / building.

Assessment

541. The submissions in support from Chorus (s35.047), Silver Fern Farms (s40.043), Spark (s154.047), One NZ (s32.047), Forty South (s33.047) and Connexa (s37.037) in support of SUB-R6 are acknowledged and accepted.

542. In response to FENZ (s124.029) as has been discussed previously, including the entirety of the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice as

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

543. In response to KiwiRail (s132.064) I acknowledge the intent of the amendment to matter of discretion 9, however, amending the matter in the manner sought would, in the first instance, make it inconsistent with the matters of discretion for other rules. The matter requires consideration of stormwater design and disposal which would naturally encompass any effects associated with increased flooding or overland flow risk. In addition, natural hazard risks would be considered under matter of discretion 8.

544. In response to the amendment sought to matter of discretion point 14 I note Policy SUB-P5 is to *"Ensure reverse sensitivity effects from subdivision are avoided or managed, including from adjacent land uses, railway lines and States Highways."* I consider the use of the words 'protect the function and operation of' would not align with this policy which does not have a direct purpose of protecting airports, railway lines and state highways but seeks instead to avoid or manage adverse effects on them from reverse sensitivity effects. I consider therefore, that the wording as notified is more appropriate, although I note it would be enhanced with the inclusion of the word 'including' after adjacent land uses and therefore I recommend the following amendment:

....

14. Reverse sensitivity on adjacent land uses, including airports, railway lines and State Highways

545. In relation to ES (s85.107), I consider the matters of discretion and policy framework are sufficient to manage hazards in combination with the provisions in the Natural Hazard Chapter. The RMA further includes Section 106 which can be relied upon to decline a subdivision if a significant risk from natural hazard exists.

546. In response to Clark Fortune McDonald (s99.008) SUB-R6 does not contain the words 'the site does not contain' and therefore I am unsure how the submission relates to SUB-R6.

547. In response to Clarke Fortune McDonald (s99.012) non-compliance with SUB-R6(1) & (3) trip to a discretionary activity, however, SUB-R6(2) which relates to compliance with SUB-S2 Lot Dimensions trips to Non-Complying to reflect the activity status of SUB-S2. It is therefore considered appropriate that a non-complying activity status remain to deter development of lots which make be too small to be useable for an industrial purpose. The activity status also aligns with SUB-P2 and SUB-P21, SUB-P21 has a discourage direction.

Recommendation

548. For the reasons given above I recommend the following amendment to matter of discretion 14 for SUB-R6

....

14. Reverse sensitivity on adjacent land uses, including airports, railway lines and State Highways

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

Section 32AA Evaluation

550. The following evaluates the recommendation to amend SUB-R6 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

Costs and benefits

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

Risk of acting or not acting

There is the potential for a lack of clarity for the matters of discretion if the proposed amendment is not made.

Conclusion as to the most appropriate option

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

11.2 Standard SUB-S4

Matters raised by submitters

551. NZTA (s112.083) oppose SUB-S4 and seek that transport thresholds are included within the DEV1 DP which specify when infrastructure upgrades are required at the intersection of Saleyard Road and the State Highway and Racecourse Road and the State Highway to maintain the safe and efficient function of the State Highway.

552. GDC (s65.003) seeks an amendment to provide a level of flexibility for future development to be generally in accordance with the DP:

....Being in general accordance with the outline development plan.

Assessment

553. In response to NZTA (s112.083) the matter of transport thresholds has been assessed at paragraphs 476 to 487 in relation to the Development Area and for the reasons outlined in those paragraphs I do not recommend including a specific trigger for upgrade of intersections as sought by the submitter.

554. The submission from GDC (s65.003) is acknowledged and accepted and I recommend the amendment is made for the reasons specified in the submission.

Recommendation

555. I recommend, for the reasons given above, that.....

....Being in general accordance with the outline development plan.

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

Section 32AA Evaluation

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

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

Costs and benefits

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

Risk of acting or not acting

There is the potential for compliance with the DP to be applied to strictly and minor non-compliances captured if the proposed amendment is not made.

Conclusion as to the most appropriate option

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

12. Consequential and Minor Amendments

558. Clause 10(2)b of the RMA allows decisions on the PDP to include matters relating to consequential alterations to the PDP which are necessary, relevant or arising from submissions. The following are recommended consequential amendments to the PDP based on previous Section 42A report recommendations.

559. At paragraph 427 of this report I recommended an amendment to GIZ-S8 to clarify that to provide screening a fence should be solid and / or close boarded. To ensure consistency between the GIZ & LIZ provisions I recommend a consequential amendment to LIZ-S9 to align with GIZ-S8 as follows:

Any on-site service area, including rubbish collection areas, must be fully screened by a solid, close-boarded 1.8m high or landscaping from view of.....

560. The Section 42 Introduction, General Provisions and Strategic Direction Report considered and assessed a submission point from Southland Federated Farmers (s126.181), Kevin Robertson (s115.182), Ronald Crispin (s60.184), Rural Ratepayers Group (s143.193), Alastair and Bernadette Hunt (148.194) and John Baynes (s68.302) to amend the wording of “wellbeing” to “well-being” to be consistent with the manner in which the word is expressed in Section 5 of the RMA. The recommendation in the report was to accept the submission point and throughout the PDP amend “wellbeing” to “well-being”. This requires some consequential minor amendments to the General Industrial Zone and Light Industrial Zone Chapters. These amendments are reflected in **Appendix A**.

561. In the Rural Zones section 42A, it was recommended that all the ‘Setbacks from Stream and River’ setback standards in area specific zones are updated for consistency, as the same assessment is applicable to all streams and rivers across the district. It is recommended to make these same amendments to the GIZ and LIZ. The additions to the Chapters are shown in red underline below and in **Appendix A**.

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).

Except that fences of post and wire construction are permitted within the setback where these are:

- (i) not constructed with wire mesh;
- (ii) not located within the stream or riverbed;
- (iii) not constructed across the stream or river channel; or
- (iv) not constructed across or along a stopbank.

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:

.....

3. The nature of existing riparian vegetation and the effects of proposed planting or modification on indigenous *biodiversity* and ~~/or habitats~~ proposed mitigation measures, including:

(a) opportunities for enhancement and restoration;

(b) methods proposed to monitor or inspect the works undertaken;

(c) the timing of works to minimise adverse effects on threatened or at risk indigenous species; and

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

.....

562. In the Rural Zones Section 42A report it was recommended to include a Note to acknowledge s4 of the RMA, for consistency, as the same assessment is applicable to all Crown activity, it is recommended to add this note to the LIZ and GIZ Chapters:

Note3 Work or activity of the Crown

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

563. The additions to the Chapters are outlined in **Appendix A.**

13. Conclusions and Closing Recommendation

13.1 Conclusions

564. This report has provided an assessment of submissions received on the Light Industrial Zone, General Industrial Zone Chapters and the South Gore Industrial Development Area and associated Subdivision provisions as well as the associated definitions and mapping of the PDP.

565. There were a range of submissions generally in support of the Zone provisions, however, some amendments were sought to include additional provisions, amend the overview and purpose, objectives, policies, rules and standards. Amendments were also sought to zone mapping and

the several definitions, including the introduction of a new definition for seasonal workers accommodation.

566. We have considered all the submissions and further submissions and reviewed all relevant statutory and non-statutory documents and planning instruments to inform our assessment and recommendations on each relevant submission and further submission.

567. We recommend that the submissions be accepted, accepted in part, rejected or rejected in part, as set out in the recommendations within this report and detailed in **Appendix B**.

568. Where we have recommended amendments, the accompanying Section 32AA evaluations has generally concluded that the amendments will be the most appropriate method of achieving the purpose of the RMA, where it is necessary to revert to Part 2, and the relevant PDP objectives. Furthermore, we consider that where appropriate all recommended amendments give effect to relevant higher order planning documents.

569. The amendments recommended are provided in full in **Appendix A**.

13.2 Closing Recommendation

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

Signed:

Name and Title	Signature	Date
Victoria Woodbridge Consultant Planner		22 July 2024